

*Bibliotheca Colbertina.*

DEFENCE OF  
THE HONORABLE  
sentence and execution  
*of the Queene of Scots:*

EXEMPLLED WITH ANALOGIES,  
and diuerse presidents  
of Emperors, Kings, and Popes:

*With the opinions of learned men in  
the point, and diuerse reasons gathered  
forth out of both Lawes  
Ciuill and Canon,*

Together with the answer to certaine objections  
made by the fauourites of the  
*late Scottish Queene.*

*Am: Vlpian Maxim. Dyson*

*Prois executio nullam habet iniuriam.*  
The execution of Lawe, is inturious to no man.

AT LONDON,  
Printed by Iohn Windet.

5

DEFENCE OF

THE HONORABLE

the Honourable and

right Honourable

EXCELLENT

of the Honourable

of the Honourable

of the Honourable

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## The contents of the booke.

1 *The first Chapter conteining an Analogie or Resemblance between Ione Queene of Naples, and Marie late Queene of Scotlande.*

2 *The seconde chapter conteining an other Analogie or Resemblance betweene the Emperor Licinius and the said queene Mary.*

3 *The third chapter conteining certaine presidents of sundry Emperors & kings, that haue in some case put other princes vnto death.*

4 *The fourth chapter conteyning the actes and iudgements of sundrie Popes, which haue approved the death of some Princes.*

5 The fift Chapter conteining a confirmation of the honorable sentence & execution past against the late Scottish Queene, by sundrie reasons and authorities gathered foorth of the Ciuill and Canon lawe.

6 The sixt chapter conteining seuerall aunsweres to seuerall objections lately made against the said sentence.

7 The seuenth chapter, wherein is prooued that in two especiall cases, the drawing of the sworde of one Prince against another, is not onely lawfull, but most necessarie.

8 The conclusion vpon the sum of the saide Chapters.





# AN ANALOGIE OR resemblance betweene Ione

queene of Naples and Marie  
queene of Scotland.



One queene of Naples being  
in loue vvith the duke of Ta-  
rent, caused hir husband An-  
drasius (or as som terme him)  
Andreas king of Naples, (vvhom she lit-  
tle fauoured) to be strangled in the yeare  
of our Lord God 1348.

Marie Queene of Scotland being (as  
appeareth by the Chronicles of Scot-  
lande and her ovne letters) in loue  
vvith the Earle Bothwell, caused hir  
husband Henrie Lorde Darley king  
of Scotland, ( vvhome shee made  
small account of long time before) to  
be strangled, and the house vvhere he  
lodged called Kirk of fiede to be blo-  
vvnen vp vvith gun powder, the tenth

*Collutinus lib.  
5. in historia  
Neapolitana.  
Petrus Mexia  
in vita venetia.  
Historia blonde  
Epitome ty se-  
cundi.*

*Author. de nup-  
tijs Marie.  
Bucchanan. in  
historia rerum  
Scoticarum.  
Hir casket of  
letters were  
deliuered to  
the Lordes out  
of Edingburg  
castle by James  
Balford one of  
the conspiracie  
against the  
king.*

*See the de-  
tection of the*

# A RESEMBLANCE BETWEEN of Februarie in the yeare of our Lord God 1567.

doings of Mary  
Queene of  
Scots &c. and

the inditement of Bothwell & other like printed in Scottissh,

*Colinmus lib. 5.  
pag. 216.*

*Petrus Mexia.*

2 *Jone* queene of *Naples* did presentlie  
after the shamefull slaughter of her hus-  
bande, marrie vvith the saide Duke of  
*Tarent*, notvvithstāding that they vvere  
ioyned in kinred neere togither.

*Author de nup-  
tis Maria.  
Bucchan fol. 150  
191.  
lib. verum scoti-  
carum 18.*

Also the dete-  
ction aforesaid  
and the scotish  
monuments.

*Marie* Queene of *Scotlande* shortly  
after the villanous death of her sayde  
husband, vvvas publikely married at  
*Sterling* by the Bishop of *Orkney* to  
the saide Earle *Bothwell*, notvvithstan-  
ding that he had then tvvo vvives a-  
liue, and vvvas diuorced from the third  
(called dame *Iane Gorden*) vpō a like-  
ly adulterie by himselfe committed.

*Colinmus lib. 5.  
pag. 216. & 218*

3 *Ione* Queene of *Naples* had no long  
fruition of her inordinate lust and infam-  
ous marriage vvith the saide Duke of  
*Tarent*, for he being therfore detested of  
all the countrey, pined avway shortly af-  
ter vvith immoderate venery & thought.

*Marie*



## TWO QUEENES.

*Marie* queene of *Scotland* after that adulterous marriage had vvith *Bothwell*, did but a small time enioy him, for the Nobilitie and the commons, rising in armes against them, put the both to their seuerall shifts, first *Bothwell* to flee into *Denmarke*, and not long after that, the saide *Marie* into *England*, the vvich *Bothwell* liuing or rather languishing in prison and like a banished and consumed man, had there nothing so comfortable to his guiltie conscience, as present death, vvich there also aftervvard ensued.

*Baconan fil. 199.*  
*Ch. 195. lib. 18.*  
*Ch. 19.*

*4* *Ione* Queene of *Naples* raised a detestable scisme and diuision in *Italie* and *Fraunce*, by reason of tvvo Popes at one time, *Vrbane* pope at *Rome*, and *Clement* pope at *Auinion*.

*Colinusius lib. 5.*  
*Mexia in visa*  
*Vencelai.*  
*Platins in visa*  
*Clementis v. Ch.*  
*visa vrbani. 6.*

*Marie* the Scottish queene did sow the seede of scisme and sedition, both in the church of *England* and of *Scotland*, by the meanes of three Popes, *Pius* most impious to her Maiestie,

*B. rose at his ex-*  
*amination 26.*  
*of tobris, 1571.*

# A RESEMBLANCE BETWEEN

His book called the disco-  
nerie of the  
Scottishe  
Queenes af-  
fares in Eng-  
land. fo 20.  
Her letters to  
the B. of Glasco  
written in Ci-  
pher dated, 6.  
November.  
1577.

Her letters to  
French & Spa-  
nish Ambassa-  
dours.

*Gregorie* the xiiij. and *Sextus* the fift  
nowve Pope, vvhich vvhath with the  
brutish bull, vvhath with sundry thū-  
derbolts of excommunication pur-  
chased by her meanes and her mini-  
sters, vvhath with dispensations giue  
to all those that vvould in her fauour  
rebell against the Queene our Soue-  
raigne Ladie, haue not onely sought  
to vvithdrawe the hearts of her Ma-  
iesties euill disposed subiectes from  
their naturall loue & due obedience,  
but also haue bene the impulsue and  
principall cause of all Scismes and o-  
ther vnnaturall dissensions vvithin  
her Maiesties kingdoms and domi-  
nions.

*Petrus Mexia,*  
*in vita Vencelai.*

*Johna* Queene of *Naples*, sent to the  
Pope of *Auinion* called by many histo-  
riographers *Antipope Clement*, a Pope of  
her owne fauour & fashion, to uphold  
and defend her quarrell against *Charles*  
forces, vvho by reason that he was Ne-  
phewe of *Lewe* king of *Hungary*, sonne  
(according to some vvriters) or (as  
some



## TWO QUEENES.

some say) next of kinne to *Andreas* or *Andrasius* her first husband king of *Naples* by her murdered, was Competitor with her in the said kingdome, & that by the title of *Robert* king of *Naples* her grandfathers testament, & also by kindred.

*Marie* of *Scotland* sent many times to the Popes of *Rome* not so much for the defence of her self and her sonne in the kingdome of *Scotlande*, as (which is far worse) to the bereaving of her Maiestie of her rightfull crowne and dignitie royall, partlie in that with her priuitie tenne hundred thousande crownes were imployed by the Pope vppon any that would set vp in *England* the *Roman* Catholike religion, and aduance her to the Crowne in possession, partlie in that shee gaue maintenance to her Maiesties knowen Rebels both in *Flanders* and *Scotland*, partly in that shee practised insurrection by forraime forces, and actuall Rebellion by vn-naturall Subjects in these her Maie-

*Collinucci* in lib.

8. pag. 215. &

124.

*Rudolph* an Italian mercha<sup>t</sup> her messenger in this behalfe. *B. Ros* & his letters confession 26 Octob. 1571

Her letters to *B. of Glasco*,

Her letters to cuerie of the Ambassadors French & Spanish.

Her letters to *Morgan* her agent in *France*, and his letters to her.

Her most spiteful letter to the English and Scottish banished men, beginning, *If ever Prince*,

*Iohn Hameltrout*

## A RESEMBLANCE BETWEEN sties Realmes of *Englande* and *Ire-* *land.*

letters to her  
6. Julij. 1571. &  
the Duke of

*Aluys* message sent by him. *B. Rose*. letters employment by her in *Germanie*.  
Father *Henrie*. message from her to the princes combined, for the contribu-  
tion towards the inuasion of the Realme, and putting her in actuall possessi-  
on of the same.

*Petrus exis,*  
*Collinutius.*  
*Blondi historia.*  
*Paulus Aemi-*  
*lius.*

6 *Ione* Queene of *Naples* sent also at  
that time, and to the same end and pur-  
pose, to *Charles* the french king, and to  
*Lewes* Duke of *Aniew* the saide french  
kings vncler: requesting them to bring  
all the forces they possibly could to the  
subduing of *Charles* her competitor in  
the kingdome of *Naples*.

At one of  
those times  
*Osmond Wil-*  
*kinson* the mes-  
senger, *B. Rose*  
the procurer,  
the Spanishe  
Ambassad. ut  
the performer  
of men & mo-  
ney for the re-  
bellion.

At one time  
thentrie was

*Mary* of *Scotland* sent many times  
to king *Phillip*, and to her vncler the  
Duke of *Cuise*, and other princes  
combined to bring their forces, not  
to preferue her in her possession of  
the kingdome of *Scotlande*, but to  
the inuasion of this Realme of *Eng-*  
*land*, and subduing of her Maiestie  
the moste layuefull and vndoubted  
Queene of the same.

appointed at *Harwich* in *Suffolk* inuasion confessed by *Throgmorton*. Her let-  
ters to *Babington*. Her letters to the Spanishe Ambassador, & the confessiō of  
*Babington* and his confederates, and the confession of her own Secretaries, Fa-  
ther *Henries* message betweene her and the Pope and the combined Princes.

*Ione*



## TWO QUEENES.

*Ione* the *Neapolitan* Queene in regard *Colonusius.*  
that the saide *Lewes* Duke of *Aniow*,  
would defend and protect her against  
the saide *Charles*, offered to make him her  
sonne by adoption, and that he imme-  
diatlie after her death should succeede  
her, both in the kingdome of *Naples*, &  
also of *Sicelie*.

*Marie* the *Scottish* Queen in con-  
sideration that king *Phillip* shoulde  
take her wholly in his protection, &  
likewise the state and affaires of this  
Countrie, promised to giue & graunt  
to him by her last will and testament  
the right (which shee pretended to  
haue) both to the succession of the  
croune of *England*, and also of *Scot-*  
*land*.

Proued by her  
letters to the  
said Spanish  
Ambassadour  
*Barnard de Mē-*  
*doza*, and con-  
fessed by her  
Secretaries,  
*Naw and Curle.*

*Ione* Queene of *Naples* had great &  
mightie Princes to take her part both  
out of *Fraunce* and from *Prouince*, but  
both shee and all that held on her side,  
had so strange a fortune and defaster, as  
it is vvonderfull, for the Pope by her  
meanes

## A RESEMBLANCE BETWEEN

*Collinutius lib.  
5. fo. 228.  
Mexia in vita  
Ventelai.*

meanes exalted vvas depofed, the faid Duke of *Aniew* Generall of the fiede that came into *Ialie* (as *Pandulphus Collinut* vs vvriteth) vvith fifty thoufand men and ( as *Peter Mexia* affirmeth ) thirtie thoufand of them horf-men, died by the vvay, and xvi. Barons, and moft of his gallant companie vvith him, and the rēnant that furiued returned home vvith more shame than vvith pride they came foorth, begging all the vvay as they vvvent by'tvvo or three in a companie (as *Platina* vvitneffeth) and the *Queene* her her felf vvvas taken prifoner by him, vvho ſhee firmelie hoped to haue conquered and flaine.

*Platina in vita  
Vebani. 6.*

The proof of  
theſe is publik  
and moſt no-  
torious.

*Marie* the Scottiſh *Queen* vvhi-  
ch had in *Rome* at feuerall times three  
Popes, in *Spaine* king *Phillip*, in  
*Fraunce* the Duke of *Guiſe*, in *Eng-  
land* and *Scotlande*, Dukes, Earles,  
Lordes, Gentlemen, and others too  
too manie bent to accompliſhe her  
vnquiet humor and ſeditious deſſei-  
neſſe, yet neither had ſhee nor anie  
that



## TWO QUEENES.

that tooke her part any prosperous  
succes, for 2 of her best friends of the  
three Popes died, king *Phillip* hath  
neuer been without ciuill vvarres and  
his handes full of vprores & dange:  
rous tumults, the Duke of *Guise* so  
megre and so crossed in all his de-  
seinements, that he could not at any  
time helpe her, nor well releue him-  
selfe, the Dukes, Earles, and Lords,  
for the most part that tooke her part  
either haue losse their goods, liue-  
lodes, lands, liberties, and countries,  
or haue been slaine of others, or haue  
slaine themselves, many Gentlemen  
hanged for her sake to the perpetuall  
infamie of them & their race, & vt-  
ter vndoing of all their posteritie, &  
as touching her self neither her ovn  
land could abide her, nor the Ocean  
Sea (to vvhose mercie in extreame  
refuge she committed herself) could  
brooke her, nor the land of *England*  
(vvhether shee hath remained aboue  
xvi. yeeres in our Soueraigne Ladie  
Queene *Elizabeths* protection) could

B

for

*Parri* his confession of her trustie man *Morgans* dealing with him for murdering of the *Queene*. The confession of *Naw*, *Curle*, and all the co-spirators.

*Leonardus Aretinus* in *historia Florentina*. *Collinutus*. *Mexia*. *Paulus Aemilius*.

*Mexia* in *vita Vencelai*.

*Vide Buconanū fol. 199. & 200.*

This appeareth by the commission direc.

## A RESEMBLANCE BETWEEN

for the more part from her first coming like her, or be liked of her, and she became all that while prisoner unto her, whose Royall person she continually hoped and often practized to haue murdered.

Last of al, *Jone* Queen of *Naples* being taken by *Charles* nephew to *Lewes* king of *Hungarie*, and the first King of *Naples* of that name, was by the saide *Charles* vpon the aduise taken and had of the said King *Lewes*, strangled in prison and so (by Gods prouidence) paid the death (as the history witnesseth) that she gaue to her first husband *Anreas* King of *Naples*.

*Marie* Queen of *Scotland* although by fleeing out of her own Realme of *Scotland* into *Englande*, and by coming vnder the Queene of *Englands* protection, shee escaped hitherto the due reuengement of her said husbands death, when and where the chiefest of the Nobilitie of *Scotland* pursued her.



## W O Q V E E N E S.

her by iustice : yet because she hath  
 fundrie times since that time conspi-  
 red to destroy the sacred person of  
 her Maiesty, and being once or twise  
 pardoned, hath falne into a relapse or  
 recination, there hath been vppon  
 due hearing and examination of the  
 vvhool matter, together vvith her per-  
 sonall ansvveares taken by the chie-  
 fest Lordes of the Realme, assisted  
 vvith the principall Iudges of the  
 same, sentence pronounced by them  
 against her *According to the Statute  
 of association by Herselfe subsigned and  
 allowed.*

red to the duke  
 of Norfolke &  
 others, which  
 met the Scot-  
 tish Lordes at  
 yorke that came  
 thither, requi-  
 ring iustice in  
 that behalf.

The Parliamēt  
 27. regni Eliza-  
 betha.

Her owne let-  
 ters to her Ma-  
 iestie.

And thus shee to the ioy of all good  
 Christians and vvell affected English,  
 hath had Gods iudgement in her accō-  
 plished and performed, that did not on-  
 lie kill her first husband, King of *Scot-  
 land*, but compassed also fundrie times  
 the death of her Maiestie Queene of  
*England*, and consequentlie vvas like to  
 bring the vvhole Realme in danger of a  
 generall massacre and present destructi-

ARESEMBLANCE &c.  
on, had not the eternall and Almigh-  
tie Lorde of his vnspeakable and ac-  
customed goodnesse by a my-  
raculous discoverie pre-  
serued the same.







The second Chapter containing  
*a second Analogie or Resem-*  
*blance betweene the Emperor*  
*Licinius and the said Marie*  
*Queene of Scotland.*

*A second president much resembling the case*  
*in question, is offered vnto vs from our coun-*  
*trieman and most Christian Emperor Constantine*  
*the Great, who commaunded the death of*  
*Licinius the Emperor, and yet this act was neuer*  
*controlled by any writer.*

The Historie.

**A***fter that Constantine had ta-*  
*ken in open hostilitie, Licinius*  
*consort with him in the Empire,*  
*who fauoured the Heathen, persecuted the*  
*Christians, and came in armes to violate his*  
*person, yet at the request of Constantia*  
*his sister, wife to the said Licinius, he spared*  
*his life, & bound him to remaine at Nico-*  
*media, in the Prouince of Bithinia. But*  
*when afterwards Constantine was enfor-*

*Eusebius.*  
*Socrates.*  
*Sozomenus.*  
*Sigenius de im-*  
*perio occidentali.*  
*Mexia in vitis*  
*Constantini,*  
*Marentii, &*  
*Licinii.*

C

med

## A RESEMBLANCE BETWEEN

*Constantine the Emperor put to death his Colledge Emperour Licinius and neuer troubled therefore.*

*med that the saide Licinius attempted a new insurrection and was to that purpose confedered with other Princes, and sought to flee away from the place appointed, than did he forthwith commaund the said Licinius to be put to death in the xv. yeere of the said Constantines raigne when hee was lx. yeeres of age, and in the yeere of our Lord God 377.*

The comparison and resemblance betweene these two cases, is verie like.

First *Constantine* and *Licinius* vvere both chosen Lordes and Princes of the Empire.

*The Empire of Britanie diuided into two kingdomes, as the Empire in Constantines time was into two Empires.*

So *Elizabeth* Queene of *England* and *Marie* Queene of *Scotland* vvere both called to the state of kinges in the yle of *Britanie*, although in diuers distinct kingdomes: and therefore the doinges of *Licinius* mought seeme to haue more colour of right to the Empire, than *Mary* of *Scotland* to entitle



## LICINIUS AND THE S. Q.

titule herselfe in this Realme, beeing also but a titularie Queen in her ovynd land: & as it appeareth by the Chronicles and by auncient recordes, her Progenitors haue done homage for their kingdomes to the crowne of England.

*Marie* queene of Scotland but a titularie queene. Kings of Scotland haue been feudaturies, & done homage to the kings of England.

*Licinius* notwithstanding manie princelie benefites receiued at the Emperour *Constantins* hands, in somuch that he vvas aduanced by him to the marriage of his ovyne syster *Constantia*, vvhich descended from a princelie progenie of kings: yet, contrarie to his oath and promise like an vngratefull man he became a professed enemy to *Constantine*.

*Eusebius.*

*Socrates.*

*Marie* of Scotland, albeit shee receaued manie great fauours at the hands of Queen *Elizabeth* in sauing both her honour and life, vvhenshe vvas so earnestlie pursued by the Lordes and the commons both of Scotland and England, yet like an vnthankfull person shee did shevve her

Scotland in an. 1568. England. 15. reg. Eliz.

## A RESEMBLANCE BETWEEN

Her letters to  
the B. of Glas-  
con, & to B. Rose  
Morgan, and  
Mendoza.

herselſe contrarie to her vowed promise  
an apparant enemy to the Queene  
of England.

*Licinius* would alone haue bin Lord  
and prince of the Empire by the remoue  
of *Constantine*.

Diuers books  
and pedigreees  
published by  
her agents and  
favorites to  
that effect.

*Resignatio facta*  
1567.

*V. de Buconanum*  
fol. 196.

And Holing-  
sheds Chroni-  
cle, fol. 388.

So *Marie* would bee the onelie  
Queene of *Britanie*, and not onlie a-  
bandon her owne sonne from the  
kingdome of *Scotland* (after that she  
had resigned the same vnto him) but  
also expell her Maiestie Queene *Eli-  
zabeth* from her proper & vndoub-  
ted kingdome of *England*.

*Licinius* vsurped an vniust title, cal-  
ling himselfe the vniuersall Emperour.

In the booke  
called *Expositio*  
*causarum*.

And she did it  
at her entrie  
into *Poitiers* in  
*France*, and  
would not be  
reduced from  
the allowing  
of the same in all her proceedings euer since.

So did *Marie* of *Scotlande* giue  
long since, both the title and armes  
of *England*, vsurping therein the roi-  
all state of her Maiestie and crowne  
of *England*.

*Licinius*



## LICINIUS AND THE S. Q.

*Licinius* came not willinglie vnto *Constantine*, but by force of armes vvas taken at *Chrysopolis* a Citie vvithin the prouince of *Bithinia*, and brought to *Constantine*.

*Marie* of *Scotland* came not willinglie into the lande and dominion of our Soueraigne Queen *Elizabeth*, but being encountred vvith her nobilitie, & enforced to leaue the field, came by boate into *Werkington* Hauen in the vvest marches of *England*.

Hollingshe. 1.  
Chronicle. fol.  
392.

*Licinius* had his life once pardoned for open hostilitie against the Emperor *Constantine*.

*Mexia in vita*  
*Cōstantini. ca. 1.*  
*Eusebius, Socra-*  
*tes, Sozomenus.*

*Marie* of *Scotlande* hath had her life spared for murdring her husband & also for hostilitie and treason practised against *Elizabeth* Queene of *England*.

13. regni Regine  
*Elizabeth*  
published in  
Parliament.

*Licinius* although pardoned, yet vvas not too far trusted by *Constantine*, but first cōfined to *Nicomedia*, & aftervvards to *Theffalonica*, and there had a noble gard about his palace and person.

*Mexia. cap. 10.*  
*Socrates lib. 1.*  
*cap. 2.*  
*Sozomenus lib. 1.*  
*cap. 2.*

## A RESEMBLANCE BETWEEN

Iustlie mistrusted for giuing the armes and title of England, and refusing to ratifie the treatie of *Edinburg* and afterward for procuring the rebellion in the North, and

*Marie* of Scotland, after so often and great fauours, vvas vpon most iust cause mistrusted, and therefore confined to certaine statelie houses in *England*, & there had princely maintenance and an honourable gard attending her person.

manie other treasons since she had for her abode Carlile castle, Bolton Castle, Sheffield castle, all at the Queene of Englands great charges and expenses.

*Licinius* did seeke to flee avway from the place vwhereunto he vvas enioyned.

Confessed by her before the Lords at *Fordinga* castle.

*Marie* of Scotlande did manie times practise the like in *England*.

*Licinius* did treat vvith diuers princes and captaines to make nevv vvarres against *Constantine*.

The practise of bringing in of forces confessed by her before the Lords.

*Marie* of Scotland did not onlie practise vvith diuers princes, Noble men and others, to bring in forreine forces into the Realme of *Englande*, but also did conspire and contriue vvith euil disposed subiectes to *England*

The rest confessed by *Ba-bington*, *Ballard* and other of



## LICINIUS AND THE S.Q.

land the chaunge of the state, the ouerthrowe of religion, the death of her Maiesties sacred person, the massacre of the nobilitie, and an vniuersal desolation of the vvhole Realme.

that conspiracie and most horrible treason.

To conclude, *Licinius* for endangering againe *Constantines* person and seeking by new troubles to aspire to the Empire like as *Maximinianus* before had done, vvas by the appointment of *Constantine* adiudged to die,

*Mexia in vita Constantini. ca. 1. Socrates & Sozomenus in the foresaid places.*

*Marie* of Scotland hath giuen far greater cause to our *Constantine Elizabeth* Queen of England to fear new conspiracies both against her Maiestie & the state of the vvhole realme, like as the said *Marie* and other her confederates haue manie times done before, and therefore she had been in the high court of Parliament condemned to die manie yeeres past, but that her Maiestie of her singular and great clemencie spared to giue her assent thereunto, and of late againe vpon

In the Parliament holden 13. Elizabeth.

**A RESEMBLANCE &c.**

Upon an other horrible conspiracie  
there is by the chiefeſt Lordes and  
Iudges of this Realme ſentence gi-  
uen againſt her, Proclamation there-  
upon and due execution reſpectively  
made according to an act of Parlia-  
ment in the xxvii. yeere of her Ma-  
ieſties raigne.



**The thirde Chapter conteining  
certaine presidentes of sundrie  
Emperours and Kinges vvhich  
haue put other Princes vnto  
death.**

**H**owbeit wee neede not farder by ensample to shewe that one Prince hath put another vnto death, yet for the farther warrant, and quiet of princes mindes, and to stoppe the euill speeches of such, whose heades are wholly busied in Princes matters: it is not amisse vnto the former examples to adde, first certaine presidentes of Emperours, then of Kinges, and lastly for those euill affected sort (vnto whome the actions of the Pope are their best instructions) the doings and iudgements of sundry Popes.

**C**onstantin so much renoumed in the church of God, and that amongst other his princelie vertues, for his singular clemencie, and care in religion, did cause to bee put to death, not onely the Emperour *Licinius* as before, but also *Maximinianus*, the elect Emperour beeing detected by his daughter, vvife of the saide *Constantine*, for an horrible conspiracie against her husband,

The loue of  
the counrey  
knoweth no  
kinred.

## PRESIDENTS OF

husbande, and yet consider, *Constantine* shevved vnto him all duties of humanitie and courtesie, in so much that hee married his daughter, & receiued him vnder his protection giuing vnto him all princely entertainment, at vvhath time hee vvas pursued by his vvvicked sonne *Maxentius* to death. yet consider, vvhhen so many benefites of this Emperour could not stay him, but in the desire of a kingdome, hee thought to be-reaue his protector of life, then *Constantine* loath to nourish in his bosome anie such serpent, commaunded his death, and saued himselfe.

Ambition no  
lesse vngrate-  
full than blou-  
die.

A second presi-  
dent of an Em-  
perour.

*Cornelius Tacitus*  
*lib. 2. anna-*  
*lium.*

An other like example is that of *Rhes-  
cuporis*, as *Tacitus* calleth him, or as *Sue-  
tonius* & *Liuius*, *Thrasipolis*, king of *Thra-  
sia*, vvhoh by *Tiberius* the Emperour vvas  
put to death. For vvheras the said *Rhes-  
cuporis* had compassed the death of king  
*Cotys*, for that hee coulde not abide to  
haue him consort vvith him in the king-  
dome of *Thrasia*, vvvhich in *Augustus*  
daies vvas deuided betvvene them, the  
sayde



## EMPERORS AND KINGS.

sayd *Rhescuporus* vvas accused by queene *Cotys* to the Emperour and Senate of *Rome*, for this his villanous fact in destroying her husbände, vwhere he receiued iudgement both of depriuation of his kingdome, and also of banishment: but assoone as he vvent about to flee frō *Alexandria* (vwhere he vvas confined & vwith a strong garde honored against his vwill) the Emperour *Tiberius* presentlie gaue in commandement to behead him: and yet the said king, did neuer practise the death of the Emperour, as *Marie* of *Scotland* hath practised the death of the Queene of *Englande*, and that since the said *Marie* came to be a titulary Queene and had giuen ouer to her sonne Kinge *Iemie* to be the onely and absolute king of *Scotlande*.

Bloud thirsteth after bloud.

*Hollingshede* chronicle.

An other president I find in the Emperour *Henry* the seventh of that name, vwho conuincing *Robert* king of *Naples* and *Prouince* of open rebellion & conspiracie vwith his subiectes against his person and Empire, summoned him to

The third president of an Emperour.

*Peter Mexia* in the life of *Henric* the Emperour.

## PRESIDENTES OF

A king for trea-  
son depofed &  
fentenced to  
death.

appeare, and finally by proceffe of iu-  
ftice gaue fentence of death againft him  
depriving him of his kingdome of Na-  
ples, and difcharging all his vaffals of  
their homage and fidelitie that they  
owved him, and farther gaue licence to  
*Fredericke* king of *Sicelie*, the faid king  
*Roberts* enimie, to make a cōqueft of the  
faid kingdom in the behalf of his fonne.

*Clementine de re  
iudicata. c. pa-  
ftoralis.*

*Fazellus de re-  
bus Siculis.*

Thus farre goeth the Hiftorie, how-  
beit Pope *Clement* the feuenth in his  
*Clementine* calleth the faide *Robert* king  
of *Sicely* according to the old error of  
Popes, and not of *Naples*, according to  
all old vvriters, and found fault in them-  
perours fentence about the manner of  
proceeding and not the matter in que-  
ftion, for he doth not call in queftion  
the faid iudgement as though it had bin  
vnlawefull for him to haue put the faid  
king to death for treason, if he had bin  
founde vvithin anye of his dominions,  
vvhere he had committed anie fuch hor-  
rible crime againft him, but in that hee  
did cite him out of that diftrict and li-  
mites



## EMPERORS AND KINGS.

mites of the Empire, to vvit out of Naples ( vvhich the Pope calleth Sicely, vvhere had beene euer his continuall and notorious residence ) to the citie of Pisa, a place iustly feared most daunge-  
 rous to his person : but if the saide king Robert had contriued the death of the Emperour vvithin the iurisdiction of the Empire, and there had beene founde or ( as it is vvoont to bee vsed in criminall causes ) had beene sent thither to aun-  
 svvere the contempt doone against his Maiestie, then & in that case, Pope Clement did agnize and insert in expresse vvoordes in his Clementine published in the Councell of Vienna, that the Empe-  
 rour mought haue sentenced the sayde king lawfullie to death, his vvordes are these : *Quòd si punitio criminis intra districtum imperialem commissi ad imperato-  
 rem forsan pertinuisse asseratur, verum est quidem, si in eodem districtu fuisset in ven-  
 tus delinquens, vel ad illum de more remis-  
 sus, Wherein hee doth agree very vvell vvith the ciuill lawv, vvhich is that, sortitur  
 quis forum, tam ratione delicti, quàm rati-*

Popes censure  
 in what case a  
 Prince may  
 sentence an o-  
 ther lawfullie  
 to death.

dc pastoralis.

one *domicily*, that is, a man may be vvith-  
in the compasse of an other Princes iu-  
risdiction and prerogatiue, asvvell in re-  
garde of his offence cōmitted, as of his  
place of dvelling: the discourse vvhere-  
of, more at large hereafter.

*Barnard king  
of Italie put to  
death, by  
Lewes the  
French king.*

*Belleforest in his  
French history*

In like maner *Barnard* king of *Italie*,  
being persvaded by the Clergie of his  
right and title that he had to the crowvn  
of *Fraunce*, leuied an armie intending to  
recouer his right, and to destroie them  
that than possessed in the kingdome:  
but in the first encounter he vvvas taken,  
had his eies put out, a vvhile vvvas kept  
in prison, and after by *Lewes Debonaire*  
king of *Fraunce* and Emperour for the  
better assurance of his state commaun-  
ded to be put to death.

*Collinutius lib. 4*

*Conradine put  
to death by  
king Charles.*

So likewise *Conradine* king of *Sicelie*  
vvvas by *Manfredus* prisoned: he bequea-  
thed his kingdome to *Conradine* his  
sonne, the vvhich being yong and not a-  
ble to make resistaunce left his countrie  
vnto *Manfrede*, the vvhich *Charles Earle*  
of *Aniem & Prouence*, the French kings  
brother



## EMPERORS AND KINGS.

brother at the request of the Cleargie of *Italie* manie yeres after, subdued & conquered, and there beeing chosen and crownd king of *Naples* in his daies, *Conradine* being grovven to yeres, and desirous of his fathers kingdome by his father giuen him, much holpen and furthered by the personall presence of manie great princes, hee entred the countrie in vvarlike maner: vwhere he vvas taken prisoner, and after tyvelue moneths imprisonment, by the opiniō of the best learned in the lawe, in open iudgement hee vvas condemned, and publikelie wvith manie his confederates hee vvas commaunded by the same *Charles* to be executed. So vwhen *Lewes* king of *Hungarie* vvas consulted by his nephewpe *Charles* King of *Naples*, vwhat hee vvere best to doe vwith *Ione Neapolitan* Queene, than his prisoner, hee sent tvvo noble men vnto the said *Charles* vwith this determinate ansvvere & aduise that she should be brought to the same place vher she strāgled her husband, & there to be strangled in like maner her selfe.

*Collinvaier li. 5.*

An aduise of a king for a queene to be put to death.

The

¶ The iiii. Chapter conteining  
*the Actes and iudgements of sundrie*  
*Popes, which haue approued the*  
*death of some princes.*



VT to leaue the examples of  
 kings, and to come to Popes,  
 whose acts vwill better serue to  
 satisfie some mens humors, than all the  
 Presidentes of Kinges and Emperours,  
 be they neuer so godlie: if Popes cannot  
 erre (as Popes doe affirme) than Pope  
*Clement* the fourth his example vvere a-  
 ble to persvade in this case euen Pope  
*Sextus Quintus* himselfe, novv Pope of  
*Rome*, although he be one of the chiefe  
 pillers and patrones of the Scottishe  
 Queene, for that the said *Clement* deli-  
 uered for lawv in *Conradine* the king of  
*Sicelie* his case, that because he had com-  
 passed to take avway the life of *Charles*  
 the king of *Naples*, it vvas both lawvfull  
 and expedient for the saide *Charles* to  
 put him to death.

Thesclues say  
a Pope may  
erre in maners  
but not in  
iudgement.

A iudgement  
of Clement of  
putting a king  
to death  
Colimusius in  
historia Neapo-  
lisana. lib. 4.  
pag. 186.  
Henricus Gildi-  
singenfis in histo-  
ria Aufsiaca.

An other ex-  
ample of a  
Pope.

And taking vvith vs the said Popes  
ground



## THE IVDGEMENTES &c.

ground and *maxime*, that Popes cannot erre: a second example will serue of an other Pope called *Boniface*, vwho put to death the Pope *Celestine*, vvhom hee had in prison for a lesser cause a great deale then that of *Conradine*, *Alciatus* (as the history setteth down in expresse termes) *ne ob singularem pietatem ad pontificatū denuō reuocaretur*: that is, because hee feared that *Celestine* the olde Pope vvould for his singular vertue bee called to his Popedome againe: thus did *Boniface* not for anie treason practised against himselfe, but for feare of loosing his liuing put *Celestine* a good Pope to death.

*Collutius l. 5.  
Vide Cornelium  
Agrappā de va-  
nitate scientiarū  
c. de eccles. magi-  
strationibus; de  
rebus mirabili-  
bus Bonifacii.*

And because the Pope in creating of Cardinals, calleth them the Princes of this vvorlde, and his brethren part of his body, making therfore the crime of treason, called *crimen lese maiestatis* to lie in offence done to their persons asvvell as to himself, as is by *Gigas* and *Iulius Clarus* affirmed: I thinke the iudgement of Pope *Urban* the sixt, may be conioyned

*Cardinals in  
their creation  
Popes felowes.  
Gigas de crimine  
lese maiestatis.  
Iulius clarus re-  
ceptarum sen-  
sentiarum lib. 5.*

E

vvith

## THE IVDGEMENTS AND

Pope *Urban*  
put to death 8.  
Cardinals for  
preservation of  
his owne per-  
son.  
*Collinicius. li. 5.*

A strange cru-  
eltye of a pope  
vpon dead bo-  
dies of his  
owne felowes.

with that former president of *Boniface*  
the viii. who, hauing gotten viii. Cardi-  
nals in prison, did for the preservation of  
his owne person (as hee did pretend)  
cause five of them to bee put in sacks  
and being therein fast bound to be cast  
into the sea: the other iii. being conuic-  
ted at *Genna* in open iudgement he cau-  
sed to be beheaded, and their bodies to  
be dried in an ouen, and to bee carried  
with their three purple Hats borne vp  
before him, vwhen hee vvent any vyaies  
forth, to the intent that this mought  
bee a reitor vnto all other that shoulde  
continue anie thing against his holines.

*Collinicius. li. 5.*

And least anie Romane Catholike  
shoulde thinke that it is an ynchristian  
part to put a christian Queen to death,  
I giue him the same Pope *Urban*s action  
for his instruction, vwho vvhē the sword  
vvas brought albloody vnto him, vwith  
the vvhich *Charles* king of *Naples* ne-  
phewe to *Lewes* king of *Hungary* vvas  
by treacherie murdered at *Buda* in *Hun-*  
*garre* (not vwithout the due punishment  
of



## ACTS OF POPES.

of God inflicted vppon the murderers and their abbettors for the same) hee allowving the facte, handled the saide sworde so embrued with blood in his hande, and tooke great pleasure in beholding of it.

A Popes allowance of the treacherous murdering of a king.

*If a Pope made allowance of so treacherous a murder of a good king, what disallowance is there to be made of a most and honorable sentence given of a tumultuous Queene.*

And yet this is that Pope Urbanus *minime* Urbanus, (as Platina saith) vvhich not long before did aduaunce the sayde Charles, vvith all the blessings and aide that he could in his title & claim against the saide Ione to the kingdome of Naples, pronouncing his curse against her, as a scismatike and rebell, and that notwithstanding, he aftervvards fell as fast to the cursing of the saide Charles, because he vvould not create one *Bitillus* a bitelhed and verie levvde person, the saide Popes nephew to be Prince of *Capua*, & Lord of *Dirachium* in *Dalmatia*.

Platina in the life of Urban the vi.  
Collinutius li. 5.  
Mexia in the life of Venceslaus.

Collinutius. li. 5.

These fewve examples vvhere kinges,

## THE IVDGEMENTES, &c.

Emperours and Popes, haue put other princes of like condition to death, may serue in case of the *Scottish* Queene to perswade any man, that is not too too farre distempered in his iudgement, especiallye seeing the practises of these, vvhich for their treasonable demerites, vvhere put to death, are far inferior to this her most horrible and treacherous conspiracie, and that there can neuer be one historie, or example shovven in such villanie, cōparable to this, vvhere a Queen hath had so many times her honor, and life preserued, vvhen her ovne subiects vvere in armes against her in *Scotlande*, vvhe her Nobilitie for the murdering of the king her husbände, craued her death by Iustice in *England*, & vvhen the nobility and commons of *England* for newv and fresh conspiracies, and by her often reiterated against the Queenes Maiestie and the good estate of the land, haue againe, and againe, earnestly requested both in open Parliaments, and els vvhere due execution of iustice against her.

A con-



chap. 5.

**A confirmation by manie rea-  
sons gathered out of the Ciuill and  
Canon lawe, of the honorable  
sentence and execution past against  
the Scottish Queene.**

**B**Efore I proceede to the iustifying of the sayde sentence and execution, I thinke it not amisse, here to set downe what the Lawes of *England* haue beene in these Capitall offences, not only from the Conquerors time, but from the beginning of any Empire or principallity within this Realme: & searching what hath beene written herein, I finde, that the very imagination and intent of treason, being in the highest degree without ouert facte, hath in the times of all Kinges, and in all persons, beene losse of life and member, losse of goods and lands, and perpetuall corruption of bloud: which Lawe agreeth verie well & seemeth to haue commencement and beginning from a Ciuill constitution, made by the famous Emperors *Arcadius* and *Honorius* in the yeare of our Lorde God. 389. The effect of which Lawe, for the matter in question followeth: *Quisquis de nece principis eorumq, qui consilys principis intersunt &c. cogitauerit (eadem enim seueritate voluntatem sceleris, qua effectum puniri iura voluerunt) ipse quidem, vt maiestatis reus, gladio feriat, bonis eius omnibus fisco nostro addictis.* Whosoever shall imagine or intend the death of the king or any of his counsell (for the Lawes would with the same seueritie haue a man punished, aswel for his wil in

*L. quisquis C. ad  
L. Iulian ma-  
iestatis.*

*A confirmation of the sentence*

intending as for his fact in committing treason) hee shalbe beheaded, as guiltie of high treason, and his goods forfeited to our Exchequer.

*L. 4. C. ad L.  
Julian maiesta-  
tis.*

Note here, that the saide wordes bee generall and suffer no exception, which also is in the verie next Constitution precedent by three other Emperors, *Valentinian*, *Valens* and *Gratian* confirmed, where they vse these wordes, *In sola causa lese maiestatis omnibus equa conditio est, nulla habita, mitie generis vel dignitatis defensione*: In the onelie cause of treason all persons are of egal condition, debarred from all detence and priuiledge of militarie vertue, birth, or dignitie. And as the wordes of the law are generall including all persons whosoener, so is the selfesame law generall, because it receiue allowance in all countries, and in *Scotland* it selfe, where the ciuill lawe is exercised, and in that regard may be called *Ius Gentium*, the law of Nations: *Quia eo iure omnes gentes vtuntur*, because in all Nations the same law and penaltie for treason is vsed: wherein the *Scottish* Queene coulde not pretend ignorance, seeing it is the lawe of her owne countrie, and the law of all the worlde, and seeing she confessed her presciencie & knowledge thereof, as also of the statute made in the same effect, the seuen and twentieth yeere of her Maiesties raigne, discovering in her letters to *Babington*, that if her conspiracies were knowne to her Maiestie, it were sufficient for that Queene to inclose her in some hole, foorth of which she should not escape, if so bee shee did not vse her worse: as though shee had said the hainousnesse of her desert and penaltie of the lawe did inflict a greater punishment on  
her



her, than being kept close prisoner, which shee further confesseth in plain words in her letter to *Mendoza* the Spanish Ambassador: *Let this be kept secret, forasmuch as if it come to bee reuealed, it shoulde bee in France the losse of my Dower, in Scotland a cleare breach with my sonne, and in this countrie, my totall ruine and destruction.* And the said statute of the saide xxvij. yeere of her Maiesties raigne doth not alter the substance of the offence in treason, or make it more greuous or preiudiciall than it was before: but for as much as her Maiesties life (whome Almighty God preserue to the end of all time) was sought by many wicked complots of desperate miscreants to bee taken away, and the publike peace disturbed: the bodie of the whole Realme (to preuent that mischief, & that this might serue as an other warning to stay their furie) enacted and set downe a more honourable proceeding against all such violent Competitors of the kingdome, than there was before therein, adding rather forme than substance, that if anie such villanies were attempted, it might both in the matter and maner haue the more honourable proceeding.

Seeing than the *Scottish* Queene is both by generall wordes and also by especiall demonstration within the compasse of the lawe, it remayneth to see what can be sayde for her exemption from the sayde lawe. I heare that principally alleaged for an excuse, that she was an absolute Queene, and therefore in her person not to be impeached, as though it were to bee iustified by any lawe in the worlde, for a Queene to contriue the death of another Queene, and that (which is most treacherous)

*A confirmation of the sentence*

rous) in her owne kingdome. Or that a King or Queene comming foorth of her owne Realme, to the kingdome and dominion of an other King or Queene, may there doe what they list without controlement, vnder colour of their kingly prerogatiue. And although I should graunt that she was an absolute Queene, and in respect thereof, had diuers priuiledges incident vnto her person: yet in this case all priuiledges that goe to, and followe the person, are excluded: *Quia in causa laesa maiestatis* (saith Baldus) *privilegiatus non potest allegare privilegium*. A man priuiledged in his person, in case of treason, cannot alledge his priuiledge.

In case of treason no priuiledge will serue.

*L. Q. in Provin-*  
*cia ubi de cri-*  
*minine agi oportet.*

*L. edita de eden-*  
*do C. 1. Inst. de*  
*falsis. tutor.*  
*Parag. 1.*

*Lapud de castillo*  
*allegat. 92.*

And this is a most general lawe and all persons whosoever are subiect to the same, that in what place they haue committed any crime, ther according to the law of the place (without regard of any priuiledge) they ought to bee adiudged, *Et hoc ius perpetuum est*, saith the Text: that is, this law is generall, for so this word *perpetuum*, is in the ciuill law in sundrie places vsed, and in this verie place it is so by the learned expounded. Neither can a king in in another kingdome challenge any such prerogatiue vnto him, that for an offence giuen in the highest degree he may not ther be punished. For euerie king out of his own kingdome is to be accounted of, but as a priuate person, for that he hath no longer *merum imperium*, that is supream and absolute gouernment, but doth only reteine, *honoris titulos & dignitatis*, the title of honor and dignitie within the territorie of an other king. So that ther where he hath offended *per omnia distringitur etiam quoad personam*, he may bee punished in all that he hath



*by the Civill and Canon law.*

hath & that in his person, for *ratione delicti sortitur forum*, by reason of his offence, hee is now become of another princes iurisdiction and prerogative where he hath offended.

*gabarella. e pastoral. de re indicata. D D. c. fi. de foro competens.*

Insomuch that neither our friendes which are confedered with vs, nor Ambassadors which coming from great & mightie Princes are resiant amongst vs, nor the kings and princes themselves that carrie so great a maiestie in their persons can challenge any immunitie or priuiledge by reason of their confederacie, honor, or dignitie: but where they contract, & where they offend, there must they abide the order of lawe & condigne punishment. For of our friends that are in league & amity with vs, heare what the law saith: *Si sint apud nos rei ex ciuitatibus confederatis in eos damnatos animaduertimus*: if anie person of the confedered Cities bee found guiltie amongest vs they are iusticiable heere, and after their condemnation shall receiue execution accordingly.

*L non dubito ff. de capitulis de postliminio reuersis.*

And of the Ambassadors, *Iulius Paulus*, who for his excellent skill in the law, came to be both *Prætor & Consul* in *Rome*, writeth in this maner: *Legati ex delictis in legatione commissis coguntur iudicium Romæ pati, siue ipsi admiserint siue seruorum*. Ambassadors that are come to *Rome* out of far countries, are ther to answer for their offence committed there in time of the Embassie, whether it bee done by theselues or any of their retinue. Likewise *Saluius Iulianus* the chiefe counsailer to *Adrian* the Emperour writeth thus: *Si legationis tempore quis seruum vel aliam rem emerit, aut ex alia causa possidere cepit, nō iniquē cogetur eius iudiciū accipere; aliter enim potestus daretur legatis sub hac specie res alienas domū auferendi*: That is, if any during his Embassie shall buy a bond-man or any

*L non aliās pat. legati ff. de iudiciis.*

*L si legationis ff. eodem titulo.*

Note the reason of the law.

*A confirmation of the sentence*

thing els, or shall come to the possession of any thing by any other title or meanes, he shalbe compelled to answere to the law in that behalfe, for otherwise Ambassadors should haue libertie vnder this colour to carry into their country other mens goods: but that ought not to bee graunted them, say the interpreters vpo that law, *Ne occasio daretur delinquendi*: least an occasion thereby should be giuen them to deale lewdly.

Then if a law will haue an Ambassadour as well as the subiect, to aunswere vppon any contract or wrong done to the subiect, woulde the same lawe (trow you) allowe the practises of high treason in an Ambassador against the common peace unpunished? And although some haue writtē that Ambassadors haue had their liues spared them in cases of high treason: yet that proueth not that for treason they might not by law haue bin executed. For as *Theodatus* said to the Ambassadors of *Bizance*, if an Ambassador should in his Embassie comit adulterie, or els vse any villanie towards the Prince, *Tunc quidē, & iure, legatum occidere pro humanis legibus licet*: than were it lawfull by the law of the lande to put such an Ambassadour to death. Wherefore *Conradus Brunus* writing both grauely & learnedly of the dignitie & immunitie of Ambassadors doth after a great discourse, conclude with these words. *Ius violandum legatorū is tantum seruandum esse, qui honeste in legatione versantur*: the law that willeth no hands to be laid vpon an Ambassador, is to be kept with them only that doe in their Embassie behaue themselves honestlie, otherwise, *in vniuersum priuilegium amittit, qui concessa sibi abutitur potestate*: for euer he doth lose all priuiledge that doth abuse his commission and authoritie.

*Procopius lib. 1.  
de bello Gothorū*

*Vide Insinuum.  
lib. 7. in the case  
of adulterie.*

*Vide L. per id rē-  
pus de curiosis.  
lib. 12. & L. in-  
quies & L. in-  
dices de dignitat  
lib. 12. C & c  
in armis nos pa-  
rag. verum. Exi.  
de priuilegiis.*

Let



Let vs goe higher from the Ambassadour to his Maister the king himselfe.

*Bonifacius de vitallinis*, writing vpon the case of king Robert of Sicely hath these wordes. *Si non subditus imperatori, aliquid perpetrat infra fines imperij, ex quo si fuisset perpetratum per hominem subditum imperatori, processisset crimen lase maiestatis: committit ex hoc illud crimen, quod ratione loci delicti, sortitur forum imperatoris, & sub eius iurisdictione & potestate ex eo constituitur & quoad delictum & quoad qualitatem delicti.* If any person being no subiect of Themperors, do commit any crime within the limits of Thempire, whereby the same beeing committed by one of the Emperors subiectes, should amount to the offence of high treason: the same doth commit the like crime hereby, which in regarde of the place of the offence is subiect to the Emperours authoritie, and he is hereby brought vnder his iurisdiction and power both concerning his offence and the qualitie of his offence. And if some will yet obiekt, that all this may and ought to bee vnderstoode in such persons as are inferiour and vnder the degree of Kinges and Princes: heare what hee addeth farder in the same place, *Rex (inquit) delinquendo in imperio efficitur de iurisdictione imperatoris ratione delicti, & sic fit ligabilis delinquendo sicut contrahendo.* A King if hee doth offend within the Empire, is made thereby one of the iurisdiction of the Empire, by reason of his offence, and so is answerable by his delict, as he is by his contract: for else this absurditie would followe and a daunge-  
 ous plague to all Princes, that one king might safely kill an other king, and that in his owne

*c pastoralis de  
re iudicata. vers.  
nos sam ex supe-  
rioritate nu. 65.*

*Bonifacius nu. 72*

*A confirmation of the sentence, &c.*

*I. auxilium de  
minoribus c. be-  
nè de electione.*

kingdome by violence, and the king (whose death is fought) may not for his safety put to death such a murdering king by Iustice, and by that meanes also (as I sayd before) there shoulde bee giuen an occasion of treacherous dealing, which the lawe abhorreth, and willet by all meanes to be eschued. The lawe therefore is generall and reacheth not onely to the Nobilitie and Commons of anie Realme in regarde of subiection, but also to the forreiner, to the Ambassadour, to his Lorde and master the King, in respect of their coniurations, if any such conspirators bee apprehended where they within an other kings dominion, haue offended: for the offence of conspiracie, doth deuest & deprive them, and euerie of them of their priuiledge and prerogatiue (if they had any) like as the *sanctuarie* will saue a mans life for *homicide*: but not when *homicide* is committed within the *sanctuarie*, for the by his own fault he doth waue the benefit of all priuiledges and prerogatiue. *Quia frustra legis auxilium innocat qui in legem committit.* He doth claime in vaine the benefit of the lawe, that doeth offend against the lawe.

So is the Queenes Maiestie in her gracious Realme, a *sanctuarie* to euerie king that commeth within the same vnder her highnesse protection, vntill he committeth a capitall delict and offence against the same, and than vpon the reason of the foresaid lawes, he looseth the benefit & priuiledge thereof: like as the benefite or priuiledge of safe-conduit is lost, when after the safe-conduit graunted, any crime is committed, but for a farder confirmation of the premisses we shall speake more at large in the next chapter.

The



The sixt Chapter, containing an aun-  
*swere to certaine obiections latelie made*  
*by certaine fauorites of the Queene*  
*of Scottes.*

**F**OR asmuch as some partiall and euill  
 affected Aliens, and some hollow and  
 dissembling subiects will perhaps in  
 this honourable and iust action, ma-  
 ligne the proceedings of the whole Parliament,  
 and the sentence and execution thereüppon, I  
 thinke it not amisse to meet with some of the best  
 of their Arguments, the which at the first shoue  
 might seeme to crosse or controll their doings.

*The first obiection.*

The first obiection is, That *par in parem non ha-*  
*bet imperium*, that is an absolute Prince ouer and  
 against another absolute Prince hath no iurisdic-  
 tion or soueraintie.

And this was by Prince *Conradine* a Prince more  
 skilfull in feats of warre, than in points of law, ob-  
 iected vnto *Barnis*, king *Charles* his Prothonotarie  
 after that he had read the sentence of death giuen  
 against him.

*Collinutius. lib. 4*  
*hist. Neapolis.*

The like argument doth *Mathew Parisiensis* al-  
 ledge in king *Iohns* case, whē the French king wold  
 haue sentenced him for the Dukedome of *Normā-*  
*die*. Vpon the which *maxime* or rule it is inferred  
 that forasmuch as our Queen, & *Marie* of Scotland  
 were both Queenes, and of egall power and au-  
 thoritie, that the one can haue no such power to  
 sentence or punish the other.

*Parisiensis Mo-*  
*nachus in sua*  
*historia.*

*The Answere.*

For aunswere, it may then trulie and iustlie  
 be

be said, that whatsoever shewe this argument maketh in apparance, yet it is nothing at all in substance.

For to let passe that (which is much doubted of by many) whether the Scottish Queene were, at the time of the sentence giuen, Queene of Scotland or no, seeing by the three estates of Scotland she was disabled.

To omit also that shee relinquished long time before all her right, title and interest in the same realme (if she had any) to the Lord Iemie her sonne now king of Scotland.

See Hall, and  
Foxes historie,  
reg. 4. William  
Conquerour.  
malconib.  
Edward. 1.  
Richard. 2.

To passe ouer in like maner how euident a thing it is, and most notorious, that the kinges of Scots haue been feudataries and done homage vnto the kinges of England, and haue appeared in person in Parliament at Yorke, and had the place of the first Peere in England, whereby it may bee inferred that the Scottish Queene was no absolute Queene, but had respect & was inferior to the crowne of England: if we should graunt them all this, for disputation sake, that shee was still Queene of Scotland, and farder, that she was an absolute Queen, what than? what can they infer of this? doth equalitie in dignitie giue supream power and soueraintie in the kindome of England?

This her soueraintie bath vndoubtedly a necessarie relation to her owne subiects the Scots, and kindome of Scotland, not vnto the English and realme of England: & albeit I do graunt here for argument



gument take more than may doe, to wit, that she was still a Queene in dignitie, yet I may right well deny her to be a Queene in soueraintie: for she left all her soueraintie behinde her, and became a priuate person and no soueraine, at what time shee came from Logkleuen castle in Scotlande, to the castle of Cokermouth in Englande.

Thomas Gram-  
maticus.

And this point may soone be tryed by sampling the same in an other Princesse comming into anie forteine countrey. If the King of Spaine should come into Fraunce, although perhaps the French King mought take him for his brother, in the fence of the Poet (*fratrum concordia rara*) yet I doubt he would not take him there for his fellow, *Omniſq; potestas impatiens consortis erit*: there is no kingdome that will abide a Copartner. And (as Tullie ſaith) *Nulla fides nec sancta ſocietas regni eſt*, There can be no firme faith, nor holy ſocietie of a kingdome: ouer and aboue that euerie Prince in his owne principallitie is the greater, and it is an infallible rule, that euerie Kinge out of his owne kingdome is no more but a priuate person.

Lucan.

Tullie in his  
booke of du-  
tiess.

D D in l. eſt re-  
ceptum ſ. de in-  
riſd. omnium iu-  
dicum.

e enim inferior  
de maior. &  
obed.

Lapsus in alle-  
gat. xciy.

*Preſes* (ſaith Paulus) *in ſua prouincia homines tan-  
tum imperium habet, & hoc dum in prouincia eſt, nam  
ſi exceſſerit priuatus eſt*, A preſident, hath ſouerainty,  
onely vppon the ſubiectes of his owne prouince,  
and that whileſt he is within his prouince, but if  
he goeth forth of it, he is a priuate person.

L. preſes ſ. de  
officio preſidis.

Vpon the concluſion of which lawe there grew  
amongſt the learned this queſtion, whether a  
King paſſing thorough, or reſiant in another

Bratolus. lib.  
12. de dignita-  
tibus. c.

kinges

Jason & Alex-  
ander in Lexica  
territorium de  
iurisd. omnium  
iudicum.

kinges Realme and dominion, mought make a-  
nie of his subiectes knightes: and some helde opi-  
nion, that he could not, for that he had not there  
*merum imperium*, supreme power and soueraintie,  
but *Regiam duntaxat dignitatem*, that is only the ho-  
nour and dignitie of a king. Other resolved thus,  
that albeit in this case hee had no such soueraintie  
in him, yet bicause this act was not *cōtentiosa iuris-*  
*dictio*, of a cōtentious iurisdiction as when suites  
passe in the kings cōsistory between party & party,  
but *iurisdictionis voluntaria*, of a iurisdiction volun-  
tarie, such as passe vpon pleasure before himselfe:  
they were of opiniō, that he myght make knights,  
like as one Bishop may approue willes, and confer  
orders in the Diocesse of another Bishop, because  
the same is *iurisdictionis voluntaria*, of a iurisdiction  
voluntarie: but that a king in another kings domi-  
niō, or a Bishop in the diocesse of another Bishop  
hath *merum imperium*, or soueraintie, that can ne-  
uer be showne, but the quite contrarie.

Neither only is euery one in his owne territo-  
rie chiefe and greater than an other, who in other  
respects notwithstanding, is many wayes greater  
than himselfe: but also he may punish there such a  
person greater than himself, offending in his terri-  
torie: insomuch that an Archbishop by a Bishop in  
the Bishops own territory, an Emperor by a king,  
in a kings dominion and countrie, and a king by  
a Magistrate of a free Citie may there be punished  
for his offence.

Neither doth the rule *Par in parem* take anie  
place in that case, and so in the case of an Archbi-  
shop



shoppe Panormitan and Felin expressely set downe, that he may by his inferiour Byshoppe (being not his suffragan) receiue condigne punishment for the offence, that hee hath committed within the sayde Byshoppes diocesse.

*Canon inferiour  
de maior. &  
obed.*

*Anchoranus* addeth farder, that if a patriarche should offende within the territorie of *Bononie*, the Byshop there mought punish him accordingly.

*Anchoran clau.  
I. de foro compen-  
satione.*

And that an Emperour may be in like manner punished by an other Prince, in whose territorie he hath offended, *Ferdinandus Vaskins* in his booke of princely controuerfies doeth affirme in these wordes: *Imperatorem ab alio principe in cuius territo-rio deliquisset, puniri posse non dubitauerim.* And that a Magistrate in like maner of a free Citie may punish a king offending within the territorie of the Citie, we reade examples in sundrye histories, as howe *Iustinian* a king, was put to death by *Helias* a patrician, &c.

*Vaskins lib. I.  
constr. f. illuf-  
tratione.*

*Functus in cro-  
nologia.*

And the reason of the premisses, is grounded vpon two conclusions of the lawe. The one is that the Emperour, the King, the Archbishoppe, and the Bishoppe, are out of their owne kingdomes, cuntryes, and diocesse, but as priuate persons, The other that euerie Prince and ruler within his own kingdome and rule is greater than any other, although hee were the greatest monarche in the worlde.

The which a great learned man called *Lopus de castello*, in plaine words most apparantly sheweth,

G

his

*Lapsus de castel-  
lo a leg. 91. nu.  
7. & 8.*

his wordes be these : *Extra territorium suum quilibet Rex censetur ad instar privati, & constat, quod unusquisque in suo territorio maior est: unde populus Senensis in suo territorio magis potest, quam Dominus Rex illustrissimus & perpetuus Anglorum*, Euerie kinge out of his owne kingdome is accompted as a priuate person, and it is apparant that euerie person in his owne territorie is the greater. And therefore the people of *Senes in Italy* can in their owne state and territorie, doe more than the mightie and illustrious Lord the King of *England*.

*l. 14. ff. de iuris-  
dict. omniū iud.*

Againe, we may further shew in this case that although shee were a Queen and by her royall prerogatiue not to be touched, yet if she doth deuest herselfe of her prerogatiue or make herselfe subiect to the iurisdiction of another, than can she not claime her priuiledge nor exempt her selfe from the others iurisdiction. For as *Ulpian praefectus praetorio* to *Alexander the Emperour*, saith : *Est receptum eoq; iure utimur, ut si quis maior, vel equalis subiciat se iurisdictioni alterius possit ei & aduersus eum ius dici.* It is receiued, and is a lawe which wee haue daily in vre, that if the greater or egall doe submit himselfe vnto the iurisdiction of an other, the lawe may there bee ministred to him and against him, vpon which law *Paulus Castrensis*, *Iason* & diuers other learned mē do note that there are two kinds of submission, *Expressa & tacita*: expresse commision, by giuing open consent: secrete submission by making any contract or comitting any offence: & so within their territories. *Prin Princeps vel Baro potest alium principē vel Conbaronē punire.* One Prince or Baron may punish an other prince or Baron.

Than



Than since the Scottish Queene in her Maiesties Realme against her Maiestie, not of ignorance, but wittinglie desirous of her crowne, hath offended, and that in no lesse case than the case of high treason, by her treasonable fact: shee hath yeelded a secrete submission to the iurisdiction of *Englande*, and therefore there rightfullie to bee punished by law.

Wherefore to conclude, since some doubt whether shee were a Queen (as which had resigned vp and thereby had no kingdome) since, if shee were a Queene in dignitie, yet in soueraintie she was no Queene, but a priuate person comming into another Princes dominion, since euerie Prince in his owne kingdome is chiefest, and other there are inferiour to him, since an inferiour person may punish his superiours for such offences they commit within his iurisdiction, since a Prince by offending submitteth himselfe to the state of that countrie where he offendeth, and may haue the law passe against him for it: This obiection of *Par in parem* little serueth their purpose, as which is to bee vnderstood of facts committed in their feuerall kingdoms & territories. For than may not the queene of *England* punish her for ought shee hath done amisse in *Scotland*, because they are in this case *Pares*, that is, of egall authoritie, but for her demerites in *England* (where they are not *Pares*) but the Queene of *Scots* inferiour to the Queene of *England*, there the queene of *England* reteineth only the supreme soueraintie, and therefore there may notwithstanding the said obiection, lawfully sentence the *Scottish* queene.

*The 2. Obiection.*

**A**N other obiection is made thus : The *Scottish* queene pursued by her owne subiects fled into the realme of *England* as a suppliant for succour, and therefore of common curtesie she ought to be well entreated there, nor to be detained as a prisoner, or if she were detained yet to haue the libertie to be put vnto her raunsome.

*The Answer.*

**T**O this may be answered, first that euerie person passing through or resiaunt in another kingdome, without a safe conduct or passport being not in amitie or league with the other is a lawfull prisoner in the same. And therefore in all the leagues that we make with the house of *Burgundie* or kingdome of *France*, or they with vs, there is an expresse article or capitulation set downe, *ut sit amicitia fœdus & pax, & ut liceat per dulces aquas &c. commercare*, that there bee an amitie, league, and peace : and that it may be lawfull for the subiects to passe by water or land through the realme freely and without impeachment,

Which being graunted, than must we farther in this case consider, howe that vntill the last yeare there neuer was *Fœdus vel pax inita*, any league or peace made between *Scotland* and *Englande*, but onely *Cessatio à bello*, an abstinence from the warres, whereby the *Scottish Queene* comming into *Eng-*  
*land*



land could not challenge any libertie or freedome within that kingdome.

Than the law standing thus that no man *Nisi confederatus retinet sibi libertatē in aliquo regno &c.* No man can reteyne liberty in 'an other kyngdome without he be in league, & confederated with the king, or come into the realme by safe conduct: I thinke it will not be gaine-said, but she was staide here and detained lawfully.

*L. non dubio  
ff. de capitiis.*

Againe, it is not heere to be past ouer in silence, how the Queene of Scots vsurped the stile and armes of the crowne of *England*, a thing most notorious to the whole worlde.

Since therefore shee was a Competitor of the crowne, and thirsted after the crown of this realm in possession, & could not bee reclaimed from the same, although by her Ambassadors she promised diuers times to doe it: since God had put her into her Maiesties hands, well might her Maiestie take and keepe her vntill she had perfourmed her promise.

For did not *Tiberius* deteine king *Cotys*? did not *Constantine* the Emperor, doe so with the Emperor *Licinius*? Dyd not *Lewes* the French kyng, called *Lewes* the Pitiefull, doe the like vnto *Barnard* king of *Italy*? Doth it not stand with the law of nature, which is (*ius immutabile*, a law immutable) for euerie person to prouide for the safteie of himselfe, and all that are committed vnto his charge?

*An answer to certaine objections.*

And if we should graunt her, that she came in as a suppliant, and of free will, and not dryuen in by tempest, when she meant (according to some writers) to haue gone into Fraunce: what if she came hither for succour? (as it may be whe she saw no other remedie she shewed to be her intent) is it not as great or more reason for our soueraigne to succour her selfe as to succour her?

For if the Scottish queene thinketh our queene bound by the law of nations, to take her after this maner coming into her protection: doth not the law of nature teache our queene vnder colour of protection to provide against proditiō?

So that whiles the other carried alwayes with her this ambitious minde, to bereaue the queene our soueraigne of her kingdome of *England*, if she had been set at liberty, had she not been far more enabled to accomplish her desseines? for otherwise to what intent dyd the princes and her allies, and all her adherents desire, and thirst so much her enlargement, but to make her an head to be set vp in time of inuasion against her Maiestie?

Put supposing that her Maiestie had no iust cause of her so doing and her deteyning heere, had beene wholly vnlawful, mought she therefore seeke to take away the life from the queene of *Englande*?

The practise of so many horrible treasons, may not be shifted with this so vntrue and slight pretence, nor coloured with a faire shewe of natures  
lawe,



*An answer to certaine obiections.*

lawe: for so many seditious vnnatural and vngodly desseinmentes most repugnant to the lawe of nature, and contrarie to the lawes both of God and man, can not abide any such shift or colour.

*The 3. Obiection.*

**T**He two first obiections made against the sayde honorable sentence, are in regarde of the Queene of *Scottes* person: But the two obiections following, doe rather tende to the disallowance of the lawe, whereupon the sentence is grounded. For (say they) although wee should graunt that one king may sentence an other king delinquent and resident within his kingdome, wee thinke it not cōuenable that in the case of a king, the tryal shoulde be by the municipall and statute lawe of the lande, but only by the common and generall lawe receiued amongst all other nations.

Againe since the lawe of Nations (as they say) punish the effect and not the affect: him that hath committed, not him that willeth or intendeth treason, that therefore they haue delt iniuriously with the *Scottish* queen in punishing her by death, for onely willing and intending treason, which as yet had not the intended effect.

*The answer.*

**F**OR answer to the first of these two obiections.

A Prince may bee tried by the municipall and statute lawe of the lande, where he offendeth, the  
which

*An answer to certaine objections.*

*Albericus L.  
quisquis ad L  
Iuliam maiest. C  
DD in L 1, c de  
trinitate.*

which appeareth by one of the most auncient interpreters of the Ciuill law *Albericus de Rosate*, and that in the case of a king sentenced for high treason, where he moueth this said case, and resolueth it thus :

*Nonne vnusquisque delinquens indicabitur secundum leges loci in quo deliquit ? Respondeo, verum est, si de intentione legislatoris fuit, factum ipsum afficere omnem personam qua incidere in ipsum factum. Nam non plus extenditur lex quam fuit de intentione legislatoris.* That is to say, Is not this agreed for law, that euerie delinquent or offender against the law, shal be adiudged according to the lawes of the place where he committed his delict or offence ? That is true, (saith hee) if it were the minde and meaning of the maker of the lawe, to punish that offence, and euerie person that shoulde fall within the compasse of the sayde offence, for the lawe is neuer extended farder than the intention of the lawe maker.

And was not the intention of the makers of the statute lawe, made the 27. of her Maiesties raigne, most euident after so many seditious desseignmets and most wicked plots laide both for the indaungering of her highnesse most royall person, and also for the ruine of the common weale, to deuise a speedie remedie for such an apparant mischiefe ? Did not the wicked attempts of *Throgmorton* and *Parie*, and the continuall practise of fugitiues beyonde the seas, and traiterous subiectes at home, make it as cleare as the sunne in the eye and heart of euerie good subiect, howe necessarie it was to provide speedie remedie herein ? Did not (vpon these



*An aunswere to certaine obiections.*

these respectes, and to meete with these and such like mischiefes) the whole Realme assembled in Parliament enact thus:

That if anie open invasion or rebellion should be made, in, or vvithin her maiesties Realme, or dominions, or any acte attempted tending to the hurt of her Maiesties most royall person, by or for any person that should or might pretende anye title to the crowne of this Realme, after her Maiesties decease, or if any thing should be compassed or imagined tending to the hurt of her Maiesties royall person, by anye person or vvith the preuitie of any person, that shall or may pretend title to the crowne of this Realme: that then, such person whatsoeuer should be vvithin the compasse of that lawe. Wherefore by that lawe (as may bee gathered both by the preamble and body of the act) the saide two great daungers vvere sought to be provided for, her Maiesties preservation and the common peace of thole realm.

*You will say it tended onely to subiectes.*

To that I aunswere, it had beene then a neede-

H

lesse

lesse lawe, for those attemptes by subiectes by the common lawes of this Realme, and so agnized by the statute of 25. Ed. 3. *de prodicionibus*, were high treason before, and therefore there needed no new lawe for them.

For whom was this lawe then especially made? It plainly appeareth by that which is before alledged, that it especially respecteth all those persons whomsoever, that should or might pretende title to the imperiall crowne of this Realme. And did not *Marie of Scotlande* at, (and long time before) the making of that act, pretende title to the crowne of this Realme, not onely to haue it after her Maiesties decease, but forthwith to be put in actual possession? And did not the saide *Marie* after the making of the saide statute by her subscription and letters, specially addressed from her to the *Queenes* most excellent Maiestie, allow and giue her assent to the same? Neuerthelesse after the making of this acte, and her sayde consent giuen therunto, the monstrous conspiracie of *Babington*, by her priuie consent, and promise of rewarde for the murdering of her Maiesties sacred person, and atcheiuing the crowne and diademe in full possession, was practised and miraculously discovered. Which I neede not heere particularly to deduce, since there was a most honorable sentence giuen thereof by the most part, and the most auncientest of the nobilitie, since their proceedings were declared to the whole body of the Realme assembled in Parliament, & of them receiued all allowance: since both the houses often sued vnto her Maiesty, that according to lawe, iustice might be administered



stred, and since her highnesse at the great intreatie of her subiects, suffered the sentence by Proclamation to be published, it plainly appeareth that the intention of the lawe makers, was, that the lawe should reach vnto the Queene of Scots, and to euery other person whosoever being a Competitor of the kingdome. Wherefore it is manifest, that although this is statute law, yet since it was the minde and intent of the makers that this lawe shoulde reache to the Queene of Scots, that by offending she is made subiect vnto it. Neither is the statute lawe heerein repugnant in substance to the lawe of Nations, howbeit, there bee some difference in some matter of circumstance: but the same agreeth with the lawes both ciuill, & of Nations in substance, which generally do inflict the penaltie of death vpon euery one, that is a worker of treason.

Besides, if the statute lawes of *England* wil bind the king himself for any matter within his realme, when the intentio of the makers of the law is such (as it is verie plaine and cleere without all controuersie, that it doth) shall not a statute law bind the queene of *Scots*, especially for mattter perpetrated within the realme,

And as touching the said statute of the 27. shee could not pretend ignorance, for that she had vnderstanding of it: nor alledge a mislike therof, for that by her voluntarie subscription, she had approued it: nor except against the seueritie of the law, because it is agreeable both to the ciuill law of the *Romanes*, & also to the law & custome of her owne

*An answer to certaine objections.*

countrie: and therefore it may be said to her, *Non potest quis improbare quod ipse approbavit*, a man may not bee contrary to himselfe in disallowing that which himselfe hath allowed.

Also *Patere legem quam ipse tuleris*, suffer the same lawe which you haue made your selfe. Shee meant death to the queene of *Englands* person, let her not therefore mislike if the queene of *England* doth minister the like measure to her person: for as it hath been neere fiftene hundred yeeres agoe true lie written:

*Non est lex equior ulla,*

*Quam necis artifices arte perire sua.*

**No iuster law can reason craue  
Thē seeking death, the same to haue.**

Also it is a rule of the ciuill law grounded vpon the law of nature: *Id debet cuiq; placere in sua persona quod placuerit in aliena*, that euerie man ought to like that in his own person, which he would haue done in the person of another: neither doth the priuiledge of dignity in the person alter the nature and qualitie of the offence in case of treason, howsoeuer it doth in other cases, as before I haue sundrie wayes confirmed.

*The 4. obiection.*

**THE** fourth obiection made against the sentence and execution of the Scottish queene is another exception



exception taken against the law of the lande, because in the case of treason it punisheth as severelie the intent as the deede, the minde in conspiring as the hand in executing: for thus they reason.

It is both against the lawe of nations and the law of nature, howsoever it bee according to the lawe of your lande to put a queene to death for a bare and naked intent, an imagined treason, be it neuer so haynous, when there followeth no hurt. For whē her desseines, neither did nor could hurt the Queene of *England*, as neuer hauing their intended effect: what reason is it to punish a fancie and feare of treason with so great a punishment as death?

*The Aunswere.*

**T**O this, I make this aunswere, that the lawe of *England*, heerein inflicteth none other punishment for treason, than the ciuill law and law of nations throughout the whole world, commandeth, vseth, and practiseth.

The ciuill law hath these wordes, *Eadem seueritate voluntatem sceleris qua effectum puniri iura voluerunt*: the lawes will haue him that conspireth treason, to be punished with the same seueritie as him that doth commit it.

*L. quisquis C.  
ad L. Iuliam.  
maiestatis.*

Againe, not onlie in the case of high treason, but also in *omnibus atrocioribus delictis punitur affectus, licet nō sequatur effectus*, in al criminal offences of the highest degree, the affect is punished, although no

12. *Tabularum*  
*ff. ad L. Iuliam*  
*maiestatis.*

*D. L. qui quis*  
*ad L. Iuliam.*

effect follow. And this lawe hath not only been so obserued generally in all nations aboue twelue hundred yeeres past: but there was many hundred yeeres before Christes time, in *casu perduellionis*, in the case of treason committed against the state, the like law called (*lex 12 tabularum*) established, which inflicteth death for the will and intent of treason. And therefore the said two Emperors *Arcadius & Honorius* in their cōstitution made against treason, said not *volumus*, *sed sic iura voluerunt*, the lawes were so before their time.

But to say that there ought, in offences of the highest degree no punishment to ensue, vnles the act were consummate: were most against law, for two speciall causes. The one for that such hope of impunitie would encourage malefactors to practise most daungerous and audacious attempts against kinges and common weales. Secondly if they stay to punish till the fact be done, the losse will be irrecoverable; and the offence, as this case is in a competitor (though most haynous) dispunishable. For in this case in question, the death of her Maiestie (whom God euer preferue) being taken away, all commissions and magistracies for iudicial places should cease: so that this being contriued by a competitor to the kingdome, (as the Queen of Scots by open and expresse accord hath often declared herselfe) the same offence by the accesse or taking vpon her the crowne and dignitie should by lawe be purged and the competitor cleared.

For king *Henrie* the sixt, after the ouerthrowe giuen him by king *Edward* the fourth, was by act  
of



of Parliament disabled from his crowne and dignitie. And yet afterwarde, the saide king in his redemption helde Parliament, and in the same the question did growe, whether there needed any reuerfall of the saide former acte made against the sayde king. It was resolved that no reuerfall was needfull, but *ipso facto* that the sayd king *Henrie* the vij. tooke vpon him the royall dignity to be king, whether it were *de iure* or *de facto* that all the same was voyde.

The like came in question in the first yeare of king *Henrie* the vij. at the first Parliament, by him holden: and receiued the same resolution. For the place doth so dignifie the person, that all steine of former actes, is cleane washed awaye: and so the Queene of *scottes*, if shee might haue brought her practises to execution ment, (as these pleaders or rather plodders, about *delictum consummatum* mean) to haue escaped vnpunished.

Seeing than the lawe of *England* in case of treason, is no other than *Lex per omnes gentes diffusa*, the lawe spreadde abroad through out all Nations, by the which generally all the Nations of the worlde are gouerned, kinges obeyed, offences punished: I thinke it appeareth to anie indifferent Reader, vnto howe broken a staffe they leane, that cite the lawe of Nations against vs.

And whereas they adde farther that the lawe of Nature maketh for the Scottish Queene in this behalfe: I take that obiection farther out of square than the other.

*An answer to certaine objections.*

*Cicero. lib. 3.  
de republica.*

Of this lawe *Tullie* writeth very grauely in his booke of common wealth in this wise: *Est verò lex recta ratio, natura congruens, diffusa in omnes, constans, sempiterna, quæ vocet ad officium iubendo, vitando à fraude deterreat.* There is a lawe which is reason it selfe, agreeable to Nature, imprinted in the hearts of all, alwayes one and the same, and wherof there is no ende, which putteth euerie man in minde to doe his dutie by commaunding, and withholdeth euerie man from doing wrong by forbidding.

*Reclaratio.*

Nowe is this *Recta ratio* to practise a Princeesse death, & for a kingdome, to thirst after the bloud of an innocent? If this be no reason, but a Counsell reasonlesse: then what is more agreeable to reason than this, that the Scottish Queene should haue that done to her, which shee meant to haue done to our Soueraigne.

And what is more disagreeable to reason, than that the Prince should not punish the intent of a Traitor, vntill hee had murdered the prince, and brought his wicked purpose to effect? Is there any thing more absurde and vnconsonant to reason, than for a kinge still to spare the Conspirator till the Conspirator hath made away the kinge?

*Natura congruens.*

Neither is this *natura congruens*, agreeable to nature for a Prince to incite, to counsell, to promise a reward vnto subiects to kill their owne liege Ladie and Soueraigne.

*Florentinus L. vi  
vini de inslit. &  
sore ff.*

For *Florentinus* saith, that *cum natura cognationem quandam inter homines constituerit hominem homi-*

*ni*



*in insidiari nefas est*: seeing nature hath conioyned men in a certaine kindred, it is nefarious for one man to destroy another. And as this is vnnaturall and monstrous for a man to compasse the death of his brother: so this is contrary and repugnant to nature, for a man by all possible meanes not to defende himselfe. For as Tully saith: *Est hac non scripta sed nata lex: quam non didicimus, accepimus, legimus, verū ex natura ipsa arripimus, hausimus, expressimus: ad quā nō docti sed facti, nō instituti sed imbuti sumus: ut si vis nostra in aliquas insidias, si in vim atq; insela aut latronū aut inimicorū incidisset, omnis honesta ratio esset expedienda salutis*: There is a law (saith he) not written for vs, but borne with vs: which wee haue not learned, receiued, or read of other, but which wee haue taken, drawen, and wrested from nature herselfe: vnto which wee are not taught by other, but borne by nature, not instructed, but naturally inclined: that if our life shall fall into anie danger, violence, or weapons of theenes or enemies, in that case euerie meanes to saue and succour our selues, is both honest and commendable. *Silent enim leges inter arma, nec se expectari iubent, cum ei qui expectare velit, iniusta pena luenda sit, quam iusta repetenda*: For the lawes are silent among princes weapons: neither do command, that they should be regarded, when he that hath regard vnto them must abide some vniust punishment before, that any good meanes by them can be had to puniſhe the offendōr. And not onelie this (to defend himselfe) is according to nature, but this is also, to cut off euils in the first spring, least by sufferance they grow so strong, that hereafter, when men would, they cannot remedie them.

Cicero pro Milone.

*Diffusa in om-  
nes.*

*Constant.*

Further is added by *Tullie*: *Diffusa in omnes*, that it is generallie receiued of all nations: *Constant*, that is constant, alwaies one and the same, not variable either in respect of person, place, or time, but to all persons, and in all places, and times it is one, the same, and like it selfe.

*Sempiterna.*

*Quæ vocet ad  
officiū inben-  
do, vesando, à  
frande deterreat*

*Sempiternall*, which hath been from the beginning, and shal continue the same to all succeeding ages that shall come hereafter, whose propertie is inwardly to speake to a mans heart shewing what hee should followe, and what he should forsake.

Now had the Scottish queene this warrant frō nature? and did nature teach her to kill her Protector? Or if her nature did so instruct her, is this the conscience of all other? and are these the desires of good mens heartes? hath this been the practise of natures lawe, which hath been from euerlasting, and is alway to continue?

Nay since the lawe of Nature is imprinted in the hart of man, and there sheweth what he should will, or what he should intende: whosoever doth not so will and so intend to doe, as this law commandeth, he is not to be accounted an obseruer but a breaker of the lawe. And therefore for them to appeale to the lawe of Nature, for excuse of their euill purpose or dooing, is eyther to make Nature repugnant to her selfe, or to giue sentence against them for their euill intente.

Wherefore as these properties of the Lawe of Nature nothing make for the Scottish Queen, but  
are



are wholly abhorrent from her endeouours : ( for who dare say that such her complots are approuable by nature ) so they are a great warrant to her Maiestie, when there is no meanes left to saue both, than by the others death to prouide for the safetie of her owne person and her Realme. For this Nature teacheth, and the conscience within, better than a thousande witnesses doeth warrant, this hath beene the guise of all Nations, other Princes haue doone it before, and they that doe come after will doe the same.

And as the will that willeth treason is therfore culpable, because it so willeth: so is it likewise punishable if it bee knowne. But in this case of the Scottish Queene, there was not onely treason in her will, and in her secrete intent, ( a thing much repugnant to the good instinct of Nature ) but also her intent was communicated vnto other, concluded on with other. And howbeit shee failed of her mayne purpose, which was to haue her Maiestie killed, the lande ouerrunnen, and her selfe to be possessed of the crowne : yet she had her forth in many her desseinmentes, as the rebellion in the North, the confederacie of forrein Princes to inuade the land, the coniuration of natural English, most vnnaturally to destroy their own Soueraigne, and many other.

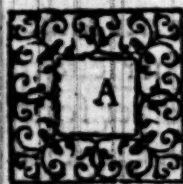
Wherefore since the will and intent in haynous faultes, by Ciuill lawe is to be punished by death, and nature likewise reprobeth and punisheth euerie vniust thought, since the other did still wil and ingeminate her treasons, and still would if shee

could bring it to effect, since in this her case, there is not onely her will to desire treason, but her ap-  
prouement to allowe, and promise to rewarde the  
same, accompanied with many other seditious de-  
seignes: who can say that so to will, deserueth not  
death, although the will lacketh both force and  
forth, and bringeth not all that is conspired to  
effect.



*Chap. 7.*

That in two especiall cases, the  
*drawing of the sworde of one*  
Prince against an other, is not  
only lawfull, but necessarie.



Lthoug the persons of Princes are  
most sacred, and the maiestie of an ab-  
solute king very reuerende, as beeing  
the Lordes annoynted, aduanced by  
him to their imperiall crownes and dignities, in  
such sort as it behoueth euerie man reuerently to  
speake of them, and in al dutifull sort to demeane  
themselues towards them: yet since there be euil  
Princes aswell as good, such which haue made  
themselues vnworthy to rule, whome God hath  
thrust from their crowne: it is not amisse for the  
contentment of other, (if so be there be anye so  
euill, that is therewith discontented) to prooue  
vnto them, howe lawefull it is in these two cases,  
for



*Put another Prince to death.*

for one absolute Prince to draw his sworde against an other. And that is, first, where the royall person of a Prince, is by another Princes means endangered of life: that then and in this case, he may redeeme his own life and safetie, by the death and destruction of that other.

Secondly, where not the life of the Prince, but the disturbance of the publike weale, the subuersion of the state is intended and fought for, and likely without this last remedie to ensue: In this case to saue his countrey, and people, whom God hath committed to his charge, a Prince may lawfully sentence the absolute Monarche in the worlde.

For the first, I take it aswell by the learned in the lawe of God as by those of the lawe Ciuill allowed of, that *Charitas incipit à se*, charitie or loue beginneth at it selfe: vnto which accordeth that which *Florentinus* writeth *quod quisq; ob tutelam corporis sui facit, hoc iure fecisse existimatur*. That which euerie man doeth for the safegarde of his person, he is deemed to haue doone it lawfully. The which *Tullie* in these wordes farther sheweth: *hoc & ratio doctis, & necessitas barbaris, & mos gentibus, & feris natura ipsa præscripsit: ut omnem semper vim quacunq; ope possent, à corpore, à capite, à vita sua propulsarent*. This both reason hath taught the learned, and necessitie the ignorant, and custome all Nations, and nature it selfe the wilde and sauage beastes: that they should by all meanes possible, preferue their liues from all violence.

*L. 3. de iustitia & iure.*

*Cicero pro Milone.*

*In what case one Prince may*

1. case  
lawfull for  
one king to  
draw his sword  
against an o-  
ther, when his  
life is endan-  
gered.

The which being graunted, then where a Prince hath no meanes left him, by the euill and treacherous practises of that other, to saue his owne life, but this one: in this case he may rewarde the other according to the wickednesse of his wayes, giue the others life a ransome for his owne, and bring that due death on him, which vniustly hee had thought to haue inflicted on an other. For since nature and wisdom teacheth this, if so be there fall out so desperate a case of two euils, to chuse the least: when one cannot as hee would, to doe then (as he may) that which maketh for the best: what should a Prince in this case doe? should hee suffer himselfe vniustly to be murdered as an innocent? or should he iustly drawe out his sworde against the nocent? Let a man, let a Prince, make this case his case, and say, what would he? would he betray his owne guiltlesse bloud, and suffer the wicked to haue his forth? would he still lye at the warde, and neuer strike, being so often assaulted? If so be there be one found so voyde of reason, so carelesse of himselfe, yet is not God delighted therewith: for hee would haue vs to preuent the occasions of greater euill, and to punish the wicked for their sinnes. For be hee the greatest Monarch of the worlde, yet God neither liketh nor approueth folly in him, neither would he haue any man to be a furtherer of him in his sinne.

*Cicero in his  
booke of duties.*

And doe not Princes sinne in compassing the death of other innocent and harmelesse princes? As God abhorreth this fact in them, so he disliketh all them that further it, all that will not hinder it. For as *Tully* saith, he that hindereth not euil when  
he



*put another Prince to death.*

he may, is aswell in fault as he that did it.

May then Princes punish treasonable facts, and will they suffer them unpunished, when they are againe and againe attempted, and likely to effect their intended purpose? if they doe thus suffer, they doe not hinder but further treason: & are in a sort guiltie (if after they miscarrie) of their owne death. For if they had punished them for the first attempts, they had freed themselves from the danger of the second: but by winking at, and pardoning the first, they themselves are in cause of their after misfortune. Which if it should follow, that an ouer mercifull Prince should bee murdered by his Competitor whom he spared: whether had it been better in it selfe, or more allowable by the lawes of God & man. that a wicked Prince which had often practised, and at length hath compassed the death of another, shoulde first himselfe haue been put to death, than that an innocent & harmlesse Prince should by the villanous practise of that other, be traiterouslie slaine? Surely iustice & vengeance will soone make aunswere, and teach vs what aunswere in this case we should make. For what is more absurde, than that the Prince should stay from taking away the Conspirator till the Conspirator hath taken away the Prince? Or who is there that should think that the law in this case doth not account euen in a Prince, *voluntatem pro facto*, the verie intention, for the act, where *post factum*, that is, after the deede done, and the prince slaine, there is neither lawe nor magistrate remaining.

Neither is this without many notable presidents: for when *Tully* pleaded for *Deiotarus* king of *Cicero* pro rege  
*Gal. Deiotaro.*

In what case one Prince may

*Cicero Orat. pro  
rege Deiotaro.*

Not vnlawful  
for a king to  
be arraigned of  
life & death.

The opinion  
of the learned  
in *Italie* in this  
case.

*Collutius. li. 4.*

*Henricus Gille-  
fingensis in histo-  
ria Austriaca.*

A popes iudge-  
ment in this  
case.

*Collutius. li. 4.*

The articles of  
treason laid to  
king Conra-  
dines charge, &  
comprehended  
in the sentence.

Note the verie  
same case of  
sentence against  
the Scottish  
queene, as was  
against Conra-  
dine.

*Gallogracia*, he was so far from vrgeing or standing on the preheminance & prerogatiue of a king, that he confessed, if *Cassor* the kings nephew could haue iustified his accusation, to wit, that the saide king had gone about to make warre on *Casar*, or anie waies to haue conspired against his person: that than hee was worthie to suffer death, *Non est* (inquit) *iniquum in tuo duntaxat periculo, Caesar, ut rex reus capitis arguatur*, if thy life, O *Casar* be shot at, & endaugered, than is it not an vnlawfull thing for a king to be arraigned of life and death.

In like maner all the Doctors of the law in both the kingdomes of *Naples* and *Sicilie* beeing asked their iudgement by king *Charles* aforesaid, what by law hee might doe with king *Conradine* his prisoner: they gaue this their sentence for law, that hee might lawfully put him to death.

Neither was this the iudgement of the lawyers alone, but it was by Pope *Clement* the 4. when he was in the same case consulted, answered, *in vita Conradini mors Caroli, mors Caroli vita Conradini*, that is, the life of *Conradine* is *Charles* death, and the death of *Charles*, is the life of *Conradine*. whereupon there ensued a solemne sentence against the saide *Conradine* in these wordes, *Quia Conradinus ecclesia pacem perturbauit, Regiū nomen falso sibi adsumpsit. Conradi mortem intentauit: morte damnamus*, bicause *Conradine* hath troubled the peace of the Church, and vniustly hath taken on him the name and title of the king and conspired his death: wee condemne him to die.

The



*put another Prince to death.*

The like cause moued the vertuous and mercifull Emperour *Constantine* the Great, to put first *Maximinianus* the emperor, whose daughter he had married, and after that, *Licinius* the Emperour his brother in law to death, and so by the death of others to purchase the safetie of himselfe: neither ought this to moue a disdain of the punisher, or pitie towards the punished in other Princes hearts. For if euill kings be not ashamed to practise and compasse the death of kings and princes, their equals in dignitie: what reason haue good kings to pitie such shamelesse princes, when they are iustly punished for their demerites? since they haue disgraced their princely order conspired against their equals, and made themselues vnworthie to raigne, and vnworthie to liue.

*Eusebius, Mex-  
ia, Socrates, &  
alijs.*

*Non me pena  
dolet, sed me  
uisse dolet.*

That which  
thou approvest  
in thy self, dis-  
like not in an-  
other

Nay what prince would not commend & wish that his were such a people, that in so extreame & desperate a case, would for the safetie of their Soueraigne, labour what they coulde, in an orderlie proceeding the death of another? For since they haue but one head vnto whom they are sworne, since they haue but one annointed whom God hath set ouer them: whosoever he bee that seeketh by treacherie to bereaue their Soueraigne of his life, or by open force to trouble their estate, though he be a prince and annointed of the Lord, yet vnto them he is no prince, nor giuen of God to rule ouer them, but a stranger, and (as he by his own desceines hath made himselfe) an enimie. Wherefore since no good prince will accept him as his fellow & equal, that is the secret cōtriuier of another princes death, since necessitie enforceth, and the mis-

*In what case one Prince may*

orable estate of princes otherwise requireth, that, which nature teacheth, reason vrgeth; God alloweth; the presidents of princes, the aduise of popes; the censure of lawyers, the authoritie of the lawe (which is the most egall iudge) farther confirmeth and approueth: Let no man thinke straunge that one prince may redeeme his safte by the death of another, *Pereat Adonia, & viuat Salomon.*

*The second case.*

Lawfull for the king to draw his sword against another king for the preservation of the public peace.

*Tullie.*

AND touching the second point, as it is lawfull in a prince for the safetie of his life, which the other daily seeketh to destroy, to draw his sword against another; so much rather, when together with his owne person the good estate of his whole people & common wealth is endangered: For this the prince is sworne to preferue vnto them in duty & conscience he is bound, these hee ought to preferre before his owne life, or whatsoeuer is dearest to him in the worlde. There is no such bonds of friendship betwixt him and any other, no such fauour and loue to be shewed, but in regard of his coutrie, in regard of his people to him, they ought to be of farre lesse account and value: *Nulla potest esse lex sanctior quam rei publicae salus, nec vinculum arctius quam quod est patria.* For as this standeth with the prince his honor to saue a prince that is worthe to be saued: so howe doth this stande with his honor, not to respect the future safetie of his people to saue a prince that is vnworthy to be saued, nay that is likely to be the verie ruine and calamitie of his countrie. So that if the case so standeth, that he must needs allow the execution of some

or



*put another Prince to death.*

or by sufferance be the cause of the overthrow of his countrie: he were impious to his countrie, cruel to his people, that would choose the safetie of one, with the ruine and destruction of manie, rather then the safetie of many thousands of his people with the death of one, which deserueth to die. And this appeareth more plaine in an Epistle of S. Austin to Boniface, and is canonized in the decrees, *Sicut bellanti & resistenti violentia redditur, ita victoribus capto misericordia iam debetur: maxime in quo pacis perturbatio non timetur.* By which decree appeareth, that whereas any stir or trouble of the peace publique is feared, there seuerie iustice, and not remisse mercy is to be extended.

That is mercies crueltie, that saueth one to the plague of many.

*Augustinus in Epist. ad Bonifacium cap. 25. q. 1. noli.*

So in this sence the saide lawe hath beene in the like case of princes, namely in the case of king Conradine by Hugolinus, and other the best learned of their time, ruled and adiudged, as Ioh. de lignano reporteth, and not without great reason: for else to saue one particular person for pitie sake, and to shewe no sparke of pitie to the whole realme, were no mercy at al, but a pitilesse crueltie. For as S. Augustine saith: *Sicut est misericordia puniens, ita est crudelitas parcens* as there is mercie in punishing, so there is crueltie in sparing: which by many presidents of sundry princes may be shoven.

*Hugolinus. Ioh. de lignano in tractatu de bello.*

The reason and Soule of the lawe.

*Augustinus ad Marcellum.*

For Salomon (vnto whome for wisdom no Prince was euer comparable) when he considered what was intended by his brother Adonia, (who yet thirsted and longed for his crowne) making a conscience to endaunger the life of his subjects, the which assuredly had followed, if either

*In what case one Prince may*

1. Regum. 2.

*Adonia*, or any for him, had taken armes: without any farder processe, hee commaunded him to be taken and slaine.

Eusebius, Mex-  
ia, & alii.

So did the vertuous and most mercifull Empe-  
rour *Constantine*, vpon the like feare of a newe in-  
surrection and destruction of his people, take a-  
way the life of the Emperour *Licinius*.

Grafton in his  
Cronicles on  
the raigne of  
H. 5.

So did king *Henrie* the 5. after his glorious vi-  
ctorie ouer the French at *Egincourt*, shewe great  
clemencie vnto the persons that were taken: but  
when his tentes were spoyled, and he iustly feared  
a newe assault: then contrarie to his accustomed  
pitie, he commaunded euerie man vpon paine of  
his life, to kill his prisoner: for then to haue spa-  
red them, beginning a seconde fight might haue  
turned to the destruction of him & his whole  
armie.

Tullie contr  
Caelianum.

And therefore least a prince might seeme to ho-  
nour one aboue the safetie of his people, and to  
leese the heartes of his loyall subiectes, by not ha-  
uing care of them, and their posteritie; least the  
massacring of them be reputed his fault, and God  
require their bloud at his hand; least by his conni-  
uencie he should embolden the hearts of the wic-  
ked, and cause his subiectes to take part with the  
emie: hee may well conclude as in the like case  
did *Cicero*, *Natura me clementem, sed patria seuerum  
fecit*, Nature made me pitifull, but the loue of my  
countrey hath made me cruell. *Pereat Absolon &  
vinaat Israel.*



# The Conclusion.

Chap 8



Herefore let all the world witnesse, and the consciences of good men, which without all partiall affection in the singlenes of their hearts, follow & fauour a truth, what the Prince and people of *England* for the glory of God, and furtherance of his truth, for the safegard of her Maiestie and preservation of their estate, either could or should haue done rather than this; by the death of one troublesome, and treason-working person, to haue redeemed the quiet and safetie of themselves.

For since shee hath taken on her the armes and title of the crowne of *England*, and refused to repeale her doings being thereunto solicited: since she hath been the ruin of many worshipfull houses, and cause of the destruction of some of the Nobilitie,

Since she incited the rebels of the *North* to leaue open warre against her Maiestie, and releued them being fled, by her friends in *Scotland*, & afterward by the Pope, who through her procurement sent to their reliefe in *Flanders*, 12000. crownes: Nay since, not cōtent with al this, she hath laboured by her letters and ministers, sundry forreine princes to inuade this realme: & the pope & Spanish king, with sundry cōbined & cōfedered, haue a long time intended, in part haue practised, and are now in some readinesse to performe the same.

Since her feed seruant *Morgan* practised with *Parrie* to murder our Soueraigne, & shee after shee knew it, yet fauoured & maintained him still.

Since by her priuitie consent and direction, *Babington* with his companie would haue killed her

*The Conclusion.*

Maiestie, & she promised to reward their doings in them, or if they miscaried in their posteritie.

Let kings & princes & all nations of the earth witnes, whether euer so many, so mostrous, so horrible treasons were committed by a prince, a woman, and that against the Lords annointed, in her owne realme: and if they were, yet that euer they escaped unpunished.

And heere although so many impieties do call for vengeance and commaunde by Gods lawe e- uery Magistrate to iustice so high a trespasser: yet, see, vpon pitie rather than pollicie, hoping for amendment, rather than looking for a newe conspiracie, not harkening to the manifold requestes of her humble, loyall, and most louing subiectes, her maiestie continued her a troublesome *Ionas* in the shippe of *Englande* still: yet notwithstanding after, since the gracelesse mindes of malecontented subiects, could not so be satisfied, nor her Maiesties great clemency could worke in them a conscience of their dutie, but like nettles the gentler they were handled, the more they stinged.

Since after her condemnation published, the Scottish Queenes fauorits, yet againe and againe, practised the death of her Maiestie:

Since the Pope for her sake hath cursed our so- ueraine and his feedes men teach, that the Queene is no Queene, if the Pope depose her:

Since they haue encouraged her euill minded subiectes, to moue rebellion, & like vipers brood to gnaw out the wombe of our common mother:

Since her fauourites concluded at home, that which was consulted abroad, & is of late confes- sed by them, to inuade our Realmes, ouerrun the  
land,



*The Conclusion.*

lande, spoyle the Cities, massacre the subiectes, destroy her Maiestie, and together with religion to make a change of the gouernment that is now amongst vs, nay to subiect vs all, our goods, lands, liberties, children, posteritie, to the flauerie and tyranny of the *Spanish* and forraine power.

Since the whole Realme assembled in Parliamēt made their many and humble petitions vnto her Maiestie, as specially interressed in the matter being the bodie of the same common wealth, whereof her Maiestie is the head, by taking away one to deliuer them all from their present feares & future daungers. Sithens her Maiestie was moued by remembrance of her oth, than solemnely taken when she was inuested in her crown to distribute iustice equally to all, and to defende her Realme, & people, crowne, and dignitie, from the pestilent vnderminers & subuerters of the same, sithens the matter grew so daungorous, & came to that extremitie, that either her Maiesty must iustice & sentence the Scottish Queene, or must hazarde the losse of her life, the disturbance of the common peace, the conquest of her countrey, the losse of the loue & heartes of her subiectes, without which no Prince can well gouerne, or kingdome stande.

Sithens the like sentence and execution of life and death, as the Scottish Queene hath receiued is testified, confirmed and warranted by the testimonies, reasons, & examples of so many Emperours, Kinges, and Popes. Since no lawe will saue so high a trespasser, but the law of Nations, of Nature, and of euery kingdome and countrey would inflict death on so great offenders.

Sithens the like sentence and execution haue  
beene

### *The Conclusion.*

been practised and put in vre by godly and Christian Princes; and that vpon consultation disputation and resolution of the cause by learned men of the lawe.

Sithence the statute lawe of euerie kingdome, where the intent of the lawe makers is such, doth binde aswell the king himselfe as euery other king comming within & offending in that iurisdiction.

Since the Queen of Scots by her delict & manifold offences, made herself so subiect to the lawes of this country, as if she had actually consented to them.

What man of reason, in whom there is any naturall loue to his countrie or apparance of an honest man would not counsell by iustice to remoue the Scottish queen; the very plague & calamity of our countrie, the very ground- worke & chiefe impulsive cause of all these treasons & conspiracies; the hope of discontented subiects; & the very cause, for who the Pope thundereth & keepeth this stir, for who so many monsters haue aduentured themselves to destroy her Maiestie, & for whose sake o-ther pretende to haue iust cause offered to inuade this land.

To conclude, since that mercy is without mercie, that spareth one to the spoile of so many; since to do iustice on the offender cannot be but honorable, & God is well pleased in the punishment of the wicked; since there was no hope of reconciliation with one, which deadly hated, and was still aspiring to the present possessiō of the kingdome; since there was no remedie left, but to iustice her, or to liue in continuall feare of being daily murdered,



### *The Conclusion.*

red, many attempting since her sentence published to destroy her Maiestie: Since many good princes haue redeemed their safeties with the death of other, and there is no iust place or cause left to her of complaint, that is so dealt with, as shee woulde haue dealt with other.

Let other princes and people of the earth make the queene of *Englands* case, their case & the state of *England*, the state of their cuntry: than I doubt not but as *England* hath done, so would they haue done: and as *England* is right sorie, that such treasons were committed, so would they sorrow, if they escaped vnpunished.

FINIS.

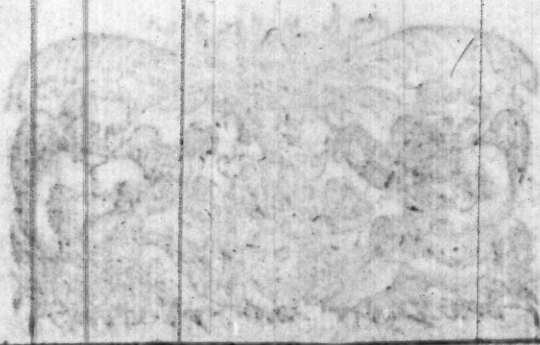
L 1



red many attempting since her late death to  
to destroy her Majesty: Since many good princes  
have redeemed their lances with the death of  
her, and therefore will place her cause to her  
of complaint that is in death with, as her words  
have dealt with other.

I let other princes and people of the earth make  
the defence of England, then can the king  
of England the fate of their country: than I doing  
not but as England hath done, so would they have  
done: and as England is right for, that such  
sons were committed, so would they follow  
they eloped unpunished.

FINIS.





## Errata.

### In the first chapter.

**I**N the 1. page in margine, examination, for examination. In the 5. pag. maintenatce, for maintenance. 6. pag. in marg. letters imploiment, for letters of imploiment. Ibid. Petrus exes, for Petrus Mexia. 8. pag. Italy, for Italie. In the 2. Analogie, First pag. by any writer, for by any good writer. Ibid. in margine, marentij, for maxentij. 2. pag. in marg. colledge for colleague. 6. pag. in fine, to England, for of England. In the 3. chapter. Sixt pag. that than possessed in the kingdome, for, that than were possessed in the kingdome. Ibid. pag. Conradine king, for Conrade king. prisoned, for, poyloned. hee bequeathed, for, who bequeathed. Ione Neapolitan Queene, for, Ione the Neapolitan Queene. In the 4. chapter. In marg. 2. pag. of putting a king to death, pro, for putting a king to dear h. In the 5. chapter, second pag. preliciencie, for prescience. Ibidem made in the same effect, for, to the same effect. 3. pag. than being kept close prisoner, for, than this to bee kept a close prisoner. 4. pag. an offence giuen in the highest degree, for, an offence committed in the highest degree. 3. pag. therein, adding. without comma therein. in the time of Embassie, for in the time of their Embassie. In the 6. chapter. And is a law, for, it is a law. Fardinand Valkins, for, Valkius. to the 3. objections her priuite consent, for, her priuite, consent, and promise. to the 4. objection, expresse accord, for, expresse action. In the 7. chapter. in vita Conradini, for, vita Conradini.

Anthony

Index

1. In the 1st part of the book, the author discusses the history of the law of England, from the time of the Romans to the present day. He shows how the law has been shaped by the needs of the country, and how it has been modified by the influence of foreign laws. He also discusses the influence of the Church on the law, and the influence of the King. In the 2nd part of the book, the author discusses the principles of the law, and the methods of interpreting the law. He shows how the law is applied to the facts of a case, and how the law is used to settle disputes. In the 3rd part of the book, the author discusses the various branches of the law, such as the law of property, the law of contracts, the law of torts, and the law of crimes. He shows how the law is applied to these different branches, and how the law is used to settle disputes. In the 4th part of the book, the author discusses the various sources of the law, such as the common law, the statute law, and the equity. He shows how the law is applied to these different sources, and how the law is used to settle disputes. In the 5th part of the book, the author discusses the various remedies of the law, such as the writ of habeas corpus, the writ of certiorari, and the writ of mandamus. He shows how the law is applied to these different remedies, and how the law is used to settle disputes. In the 6th part of the book, the author discusses the various officers of the law, such as the judge, the lawyer, and the jury. He shows how the law is applied to these different officers, and how the law is used to settle disputes. In the 7th part of the book, the author discusses the various institutions of the law, such as the court, the law school, and the law library. He shows how the law is applied to these different institutions, and how the law is used to settle disputes. In the 8th part of the book, the author discusses the various reforms of the law, such as the reform of the jury, the reform of the judge, and the reform of the lawyer. He shows how the law is applied to these different reforms, and how the law is used to settle disputes. In the 9th part of the book, the author discusses the various future of the law, such as the future of the common law, the future of the statute law, and the future of the equity. He shows how the law is applied to these different future, and how the law is used to settle disputes. In the 10th part of the book, the author discusses the various conclusion of the law, such as the conclusion of the common law, the conclusion of the statute law, and the conclusion of the equity. He shows how the law is applied to these different conclusion, and how the law is used to settle disputes.

Anthony





## Anthony Babingtons letter to the *Queene of Scots.*



**O** S T mighty, moſte excellent, my  
dread Soueraigne Lady and Queene,  
vnto whome<sup>a</sup> onely I doo owe all fi-  
delity and obedience. It may pleaſe  
your gracious Maiesty to admit excuse for my  
long ſilence and diſcontinuance from your due-  
tiful office, incepted vpon the remoue of your  
Royall perſon from the auncient place of your a-  
boade, to the cuſtodie of a wicked puritane, a  
mortal enemy both by faith and faction to your  
Maiesty and ſtate Catholike, I held the hope of  
your countreyes<sup>b</sup> weale (depending next vnder  
God vpon the life and health of your Maiesty,)  
to bee deſperate, and thereupon reſolved to de-  
part the land, determining to ſpend the remnant  
of my life in ſuch ſolitary ſort as the wretched &  
miſerable eſtate of my countrey did require, on-  
ly<sup>c</sup> expecting according to the juſt iudgement of  
God the deſerued confuſion thereof (which the  
Lord of his mercy ſake preuent:) the which my  
purpoſe beeing in execution and ſtanding vpon  
my departure, there was addreſſed vnto me from  
the parts beyonde the ſeas, one<sup>d</sup> Ballard a man of  
vertue and learning, and of a ſingular zeale to the  
Catholike cauſe, and your Maiesties ſeruiſe, the

D

<sup>a</sup>Onely obe-  
dience to the  
Queene of  
Scots: *ergo*  
not to the  
Queene of En-  
gland.

<sup>b</sup>The weale of  
the realme to  
depend vpon  
the Queene of  
Scots.

<sup>c</sup>He expected  
the confuſion  
of the realme.

<sup>d</sup>Ballard the  
traitor commē-  
ded for a man  
of vertue, and  
zealous to  
their religion  
& theſe queens  
ſeruiſe.

## BABINGTONS LETTER

e Preparatiō by  
Christian prin-  
ces her maiest.  
allies offor-  
raine inuasion  
for alteration  
of religion.

f One good  
daies seruice.

g The consulta-  
tion.

h Upon these  
traiterous act-  
ions depended  
1. the life of  
the Sc. Qu.  
2. the wealth of  
the countrey  
3. restauration  
of faith.  
4. redemption  
from heresy.

man enformed mee of great preparation by the Christian princes your Maiesties Allies for the deliuerance of our countrey, from the extreame and miserable estate, wherein it hath so long remained. which when I vnderstood, my speciall desire was, to aduise by what meanes I mighte with the hazard of my life and my freinds generall, to do your sacred Maiestie one good dayes seruice.

Whereupon moste dreade Soueraigne, according to the greate care, whiche those princes haue of the preservation and safe deliuerance of your Maiest. sacred person, I aduised of meanes & considered of circumstances according to the weight of the affaires. And after long considerations and conference had with so many of your wisest and most trusty, as with safety I might commend the secrecie thereof vnto: I do find (by the assistance of our Lord Iesus) assurance of good effect & desired fruit of our trauel. These things are first to be aduised in this great & honorable action vpon the issue of which depends not onely the life of your most excellent Ma. (which GOD long preserve to our most inestimable comfort & the saluation of English soules, & the life of vs all actors heerin) but also the wealth of our countrey far then our liues more deere vnto vs, and the last hope euer to recouer the faith of our forefathers and to redeeme our selues from the seruitude & bondage which heresie hath imposed vs, with the losse of a 1000. soules. First assuring of inuasion with sufficient strength in the inuadors partes to arriue well appointed with a strong part at euery place to ioine with them & warrant the landing,  
the



## BABINGTONS LETTER.

the deliuerance of your Ma. the dispatch of the  
 vsurped<sup>1</sup> competitor, for the<sup>m</sup> effectuating of all  
 which it may please your Excellency to rely vpon  
 my seruice, I vow and I protest before the face of  
 almighty god (who hath miraculously long pre-  
 serued your sacred person no doubt to some vni-  
 uersall good end) that what I haue saide shall bee  
<sup>o</sup>perfourmed, or al our bodies happily lost in the  
 execution thereof, Which <sup>p</sup> vow all the cheif act-  
 ors heerein haue taken solemly, and are vpon as-  
 surance by your Maiesties letters vnto me to re-  
 ceieue the blessed sacrament therupon, either to  
 preuaile in the Churches behalf and your Maiest.  
 or fortunately to die for the honorable cause.  
 Now forasmuch as the delay is extreame daunge-  
 rous, it may please your Excellent Ma. by your  
 wisdom to direct vs, and by your princely au-  
 thority to enable such as may aduaunce the affairs  
 foreseeing that there is not any of the nobility at  
 liberty, assured to your Maiestie in this desperate  
 seruice (except vnkowne to vs.) And seeing it  
 verye necessarye that some there bee to become  
 heades to leade the multitude, euer disposed by  
 nature in this lande to followe <sup>a</sup> Nobilitye, con-  
 sidering withall it doeth not onelye make the  
 commons and the countrey to followe, with-  
 out contradiction or contention, which is euer  
 founde in equalitye, but also doth adde greate  
 courage to the <sup>r</sup> leaders. For whiche necessarye  
 regards I woulde recommend some to your ma-  
 iestie, as fittest in my knowledge to bee your  
 Liutenants in the Weste parts, in the Northe  
 parts, Southwales and Northwales, the Coun-  
 ties of Lancaster Derby and Stafford.

D 2

All

He calleth our  
 Queene an v-  
 surped compe-  
 titor.

<sup>m</sup>These despe-  
 rate practises  
 vnderaken by  
 B.

<sup>o</sup>To be perfor-  
 med or to dye.  
<sup>p</sup>The traitors  
 vowe and oth  
 taken.

<sup>a</sup>some noble  
 mā to be head.

Addeth cou-  
 rage to the  
 leaders.

## BABBINGTONS LETTER.

The deliuey  
of the Queene  
of Scots.

Our Queenes  
death the Ca-  
tholiks free.  
dome.

The tragical  
execution by  
6 gentlemen.

Ambition &  
aspiring hope.

The S. queen  
to prescribe  
the method of  
the traitorous  
actions.

All which countreyes by parties already made, & fidelity taken in your Maiesties name, I holde vs most assured and of vndoubted fidelity. My selfe with 10. gentlemen and an hundred followers will vndertake the deliuey of your royall person from the hands of your enemies, from the dispatch of the vsurped ( from the obedience of whome, by the executiō of her we are made free ) There be 6. noble<sup>r</sup> Gentlemē al my priuat freinds who for the zeale they beare to the Catholique cause, and your Maiesties seruice, wil vndertake that tragical execution. It resteth according to their infinit good deserts & your maiesties bountie their honorable attempt may be honorably<sup>x</sup> rewarded in them ( if they escape with life ) or in their posteritie, and that so much I may be able by your Maiesties authority to assure them. Now it remaineth onely, that by your Maiesties wisdom it be reduced into<sup>y</sup> method, that your happy deliuerance be first, for that therevppon dependeth the onely good, and that all other circumstances so concur that the vntimelie fall of one end doe not ouerthrow the rest. Al which your Maiesties wonderfull experience and wisdom will dispose of in so good manner, as I doubt not through Gods assistance all shal come to desired effect. For the obteyning of which euery one of vs shall thinke his life most happily spent. Vpon the 12. day of this moneth I wil be at *Leichfield* expecting your Maiesties aunswere & letters, in readinesse to execute what by them shalbe commaunded.

*Your Maiesties most faithfull subiect, and  
sworne seruaunt Anthony Babington*



# The Queene of Scots letter to Anthony Babington. xij. Iuly. 1586.

**I**Rusty and welbeloued. According to the zeale and entire affection which I haue known in you towards the<sup>a</sup> common cause of religion and<sup>b</sup> mine: ha-  
uing alwayes made account of you, as a princis pall and right worthy member to be employed both in the one and the other: It hath beene no lesse consolation vnto me, to vnderstand your estate, as I haue doone by your laste, and to haue founde meanes to renue myne intelligence with you; than I felt greife all this while palte, to bee without the same. I pray you therefore fro hence forth to write vnto me so often as you can of all occurranes which you may iudge in any wise important to the good of my affaires. Wherunto I shall not faile to corresponde with all the care & diligence that shalbe in my possibility. For diuers great and important considerations which were heere too long to be deduced, I cannot but greatly praise and commend your common desire to preuent in time the desseignment of our enemies for the extirpation of our religion out of this realme, with the ruine of vs all. For I haue long<sup>c</sup> ago shewen vnto the forraine Catholike princes, and experience doth approue it, the longer that they and we<sup>d</sup> delay to put helping hand on the matter on this side, the greater leasure haue our said enemies to preuaile and winne advantage ouer the said princes, as they haue done against the king of Spaine. And in the meane

<sup>a</sup> Two things intended.  
1 religion  
2 her cause.

<sup>b</sup> Her cause  
1 for her deli uery

2 bringing in of forraine forces

3 the murdering of the Qu. ma.

4 Rebellion within the Realme.

<sup>c</sup> Pretenses long  
sistence with o  
ther princes for  
alteration of  
religion heere.  
<sup>d</sup> by delay of  
execution of  
the complotts  
the number of  
Papists dimi-  
nished.

## THE QV. OF S. LETTER

time the Catholiques heere remaining exposed to all kinde of persecution and crueltie, do dayly diminish in number, forces, meanes, & power. So as if remedie bee not thereunto hastelye provided, I feare not a little, but that they shal become altogether vnable for ener to arise againe, and to receaue any aid at all, whensoever it were offered them. For mine owne parte I pray you to assure our principall freindes, that albeit I had not in this cause anye particular interest (that which I may pretend vnto beeing of no consideration vnto me in respect of the publike good of this state) I shal be alwayes ready and moste willing to imploye therein my life and all that I haue, or may euer looke for in this worlde. Now for to ground substantially this enterprise, and to bring it to good successe, you muste firste examine deeply what<sup>e</sup> forces aswell on foote as on horse, you may raise amongst you all, and what captaines you shall appoint for them in euery shire, in case a cheife generall cannot bee had. Of what townes, <sup>e</sup>Portes, and hauens you maye assure your selues of, aswell in the North, Weste, as Southe, to receaue<sup>e</sup> succour from the Lowe Countreyes, Spaine, and France. What<sup>h</sup> place you esteeme fittest and of greatest aduantage to assemble the principall company of your forces at, and the same beeing assembled whiche way you hane to march. What<sup>i</sup> forren forces aswell on horse as foote, you require, whiche would be compassed conform to the proportion of yours) for how long paie & what<sup>k</sup> munition and ports the fittest for their landing in this realme, from the three foresaide for-

ren

<sup>a</sup>Forces of rebels and captains to be prepared in euery shire in england  
<sup>b</sup>Ports and hauens to be assured for landing.

<sup>c</sup>Succour from France, Spaine and the lowe countreyes.

<sup>d</sup>the place fittest to assemble their forces.

<sup>e</sup>What forraine forces would be required

<sup>f</sup>What provision for munition, money &c



## THE QV. OF S. LETTER.

ren Countreyes. What prouision of money and armour ( in case you want ) you woulde aske. By what meanes doe the six<sup>1</sup> Gentlemen deliberate to proceede. And the manner also of my getting forth of this holde vpon which pointes hauing taken amongst you (who are the principall authours, and also as few in number as you can ) the best resolution, my aduise is that you impart the same with all diligence, to *Bernardino de Mendoza*, Ambassador Leiger for the king of Spayne in Fraunce, who beside the experience hee hath of the state of this side, I may<sup>o</sup> assure you will imploye himselfe most willinglye. I shall not faile to write vnto him of the matter with all the earnest recommendations that I can, as I shall also to any else that shalbe needfull.

But you must make choise for managing of this affaire with the saide Mendoza and others out of the realme, of some faithfull and verie secreat personage, vnto whome onelye you muste commit your selues, to the end thinges bee kept more secreat, whiche for your owne securitye I commend vnto you aboue the rest. If your Messenger bring you backe againe sure promise and sufficient assurance of the succour which you demaunde, then thereafter ( but no sooner for that it were in vaine ) take diligent order that all these of your partie on this side, make so secretlye as they can, prouision of armour, fitte horse and ready money, wherewith to hold themselues in<sup>r</sup> readinesse to march so soone, as it shall bee signified vnto them by their chiefe and principals in euery shire.

And

The 6. gentlemen proceeding.

Her owne deliuerance.

To impart all to Bernardine de Mendoza

Her assurance of the Spanishe ambassadour.

Readinesse for to marche

## THE QV. OF S. LETTER

<sup>a</sup>The colour  
in prouiding  
armour and  
horse to be the  
papists defence  
against the pu-  
ritans.

<sup>r</sup>A slanderous  
rumor of a  
massacre.

<sup>r</sup>A wicked asso-  
ciation

<sup>r</sup>An old pre-  
tence of rebels  
to pretend one  
thing and in-  
tend another.

<sup>v</sup>The 6. gentle-  
men to execute  
the desseign-  
ment.

And for better <sup>a</sup>colouring of the matter ( refer-  
ring to the principals the knowledge of the  
ground of the enterprise) it shalbe inough for the  
beginning to giue out to the reste, that the saide  
prouisions are made onelye for fortifying your  
selues in case of neede againste the puritans of  
this realme. The principall whereof hauing the  
chiefe forces of the same in the lowe countreyes,  
haue (as you may let the bruit go) desseigned to  
ruine and ouerthrow at their retorne home, the  
whole Catholikes, and to vsurpe the crowne not  
onely against mee and all the lawfull pretenders  
thereunto: but against their owne Queene, that  
now is, if she will not altogether commit her selfe  
to their onelye government. The same pretexte  
may serue to founde and establishe amongst you  
all an<sup>r</sup> association and consideration generall, as  
done onely for your owne iust preseruations and  
defence aswell in the religion, as liues, lands and  
goods against the attempts of the saide puritans,  
without touching directly by writing any thing  
against the Queene. But rather<sup>r</sup> shewing your  
selues willing to maintaine her and her lawfull  
heirs after her not naming me. The affaires bee-  
ing thus prepared, and forces in readinesse both  
without and within the realme, then shall it bee  
time to set the <sup>v</sup>six gentlemen to worke, taking  
order vpon the accomplishing of their disseigne,  
I may be suddainly transported out of this place,  
and that al your forces in the same time be on the  
field to meete mee in rarying for the arriual of  
forren aide, which then must be hastened with al  
diligence. Now for that there can be no certaine  
day appoynted of the accomplishing of the said  
gentlemens



## THE QV. OF S. LETTER.

gentlemens desseignement, to the ende that others may be in readines to take me from hence. I would that the saide gentlemen had alwayes about them, or at the least at court, a fower stout men furnished with good and speedie horses, for so soone as the saide desseigne shall bee executed, to come with all diligence to aduertise thereof those that shalbe appointed for my transporting to the end that immediatly thereafter, they may be at the place of my aboade before that my keeper can haue aduise of the execution of the sayde desseigne, or at least before he can fortifie himselfe within the house, or carrye mee out of the same. It were necessary to dispatch two or three of the saide aduertisers by diuerse wayes, to the ende that if one bee stayed, the other may come through: and at the same instant were it also needfull to assaye to cut of the postes ordinarye wayes. This is the plotte whiche I find best for this enterprise, and the order wherby you should conduct the same for our commo securities. For stirring on this side before you be well assured of sufficient forre forces, it were but for nothing to put your selues in daunger of following the miserable fortune of such as haue hertofore trauelled in like occasions. And to take mee out of this place vnbeeing before well assured to sette me in the midst of a good army, or in some very good strength, where I may safelie staie on the assembly of your forces, and arriuall of the saide forren succours, it were sufficient cause geuen to that Queene in catching me againe, to inclose mee for euer in some hole, forth of the which I should neuer escape, if she did vse mee no worse,

Some to bee furnished with speedy horse to aduertise the desseigne

y To be sure of forren forces before the rebellion begin here.

z Vpon her deliery to set her in the midst of an army of rebels.

E

and to

## THE QV. OF S. LETTER.

and to pursue with all extremitie those that had asisted me, which would grieue me more than al the vnhap which might befall on my selfe. And therefore must I needs yet once againe admonish you so earnestly as I can, to looke and take heede most carefully and vigilantly to compasse and assure so well all that shall be necessarie for the effectuating of the saide enterprise, as with the grace of God you may bring the same to happie ende, remitting to the iudgmēt of our principal friends on this side with whom you haue to deale therein to ordein or conclude vpo this present ( which shall serue you onely for an ouerture and proposition ) as you shall among you finde best. And to your selfe in particular I referre to<sup>3</sup> assure the gentlemen aboue mentioned of all that shall be requisite on my part for the entire execution of their goodwill, I leaue also to your common<sup>4</sup> resolutions ( in case the desseignment doe not take holde as may happen ) whether you will or not pursue my transport and the executiō of the rest of the enterprise. But if the mishappe should fall out, that you should not come by me being set in the Tower of London, or in anye other strength with great gard, <sup>5</sup> yet notwithstanding leaue not for Gods sake to proceede in the rest of the enterprise, for I shall at anie time die most contented vnderstanding of your deliuerie foorth of the<sup>6</sup> seruitude, wherein you are holden as slaues. I shall assaye at the same time that the woorke shalbe in hande in these partes, to make the Catholiques of <sup>7</sup> Scotlande to arise, and to put my sonne in their hands to the effect that frō thence our enemies here may not preuaile of any succour.

<sup>2</sup> She referreth the managing of this captor to the domestical traitors.

<sup>3</sup> The reward promised to the 6 gentlemen.

<sup>4</sup> The rest of the enterprise referred to consideration, if the desseigne were not done.

<sup>5</sup> But if she were kept in the tower that then for Gods sake the rest of the conspiracie must proceede.

<sup>6</sup> Our freedom vnder our most gracious Qu. she calleth a seruitude and slaerie.

<sup>7</sup> She would raise a rebellion in Scotland and take the king her sonne prisoner.



## THE QV. OF S. LETTER

cour. I woulde also that some <sup>8</sup> stirring in Ire-  
 lande were laboured for, and to beginne some  
 while before that any thing were doone here, to  
 the ende that the alarum might be given there-  
 by on the <sup>9</sup> flatte contrarie side that the stroke  
 should come from. Your reasons to haue some  
 generall <sup>10</sup> heade or chiefe me thinks are verye  
 pertinent, and therefore were it good to sounde  
 some obscurely for that purpose. From ouer  
 sea the <sup>11</sup> Earle of Westmerlande may bee had,  
 whose house and name may doe muche, you  
 knowe, in the North partes, as also the <sup>12</sup> Lorde  
 Paget of good abilitie in some shieres here a-  
 bouts. Both the one and the other may bee  
 brought home secretly: amongst whome some  
 moe of the principall banished may returne, if  
 the enterprise be once resolute. The sayde Lord  
 Paget is now in Spaine and may intreate all  
 there, which by his brother <sup>13</sup> Charles you will  
 commit vnto him, touching this affaire. Be-  
 ware that none of your messengers, whome you  
 sende forth of the Realme, <sup>14</sup> carrie ouer any let-  
 ters vpon themselues, but make their dispatch  
 be conueied eyther after or before them by some  
 other: take good heede of spies and <sup>15</sup> false bre-  
 thren that are amongst you, specially by some  
 Priests that are already by our enemies wrought  
 for your discouerie. And in anye wise neuer  
 keepe anye <sup>16</sup> paper about you that may in a-  
 ny sorte doe harme, For from like <sup>17</sup> errors haue  
 come the onely condemnation of all suche as  
 haue suffered heeretofore, against whome could  
 there otherwise haue beene nothing prooued,

<sup>8</sup> A rebellion  
or inuasion in  
Irelande.

<sup>9</sup> But the blow  
and inuasion  
to come by the  
king of Spains  
forces, out of  
Flanders.

<sup>10</sup> She liked to  
haue an head  
and chiefe staie  
in rebellion.

<sup>11</sup> The Earle of  
Westmerland  
a man of  
that faction.

<sup>12</sup> The L. Paget  
to returne and  
be head of the  
conspiracie.

<sup>13</sup> Charles Pa-  
get.

<sup>14</sup> A caveat for  
transporting of  
letters.

<sup>15</sup> A caveat of  
false brethren  
and especially  
priestes.

<sup>16</sup> A caveat to  
keepe no paper  
that may doe  
harme.

<sup>17</sup> The inconue-  
nience that  
hath happened  
by papers.

## THE QV. OF S. LETTER

To make pro-  
uision for her  
escape when she  
shal come to  
Dudley castle.

Shee deuifeth 3  
meanes to el-  
scape.

The 1<sup>st</sup> meane  
to escape.

The second.

Discouer as little as you can your names and intentions to the french Ambasiadour now leiger in London, for although he be as I vnderstand a very honest gentleman and of a good conscience and religion, yet feare I that his Maister entertaineth with that Queene, a course far contrarye to our desseignements, which may moue him to crosse vs, if it should happen he should haue anye particular knowledge thereof, All this while past I haue sued to change & remoue from this house and for aunswere onely the castle of Dudleie hath beene named to serue the tourne, soas by apperance within the end of this sommer, I may go thither, Wherefore aduise so soone as I shall be there, what prouision might bee had aboute that part<sup>1</sup> for my escape from thence. If I staie heere, there is for that purpose one of these<sup>2</sup> three meanes following to be looked for, The firste that at one certaine daye appointed in my walking abroad on horsebacke on the moores betwixt this and Stafford where ordinarilye you knowe very fewe people do passe, a fifty or threescore men well horsed and armed may come to take me there, as they may easily, my keeper hauing with him ordinarily but eightene or twēty horsemen only with daggs. The second meane to come at midnight or soone after to set fire in the barnes and stables which you know are neere to the house, and whilest my Guardian his seruants shall runne forth to the fire, your company hauing euery one a marke, whereby they may know one an other vnder night, might surprise the house, where I hope with the fewe seruants I haue about mee, to giue you correspondency



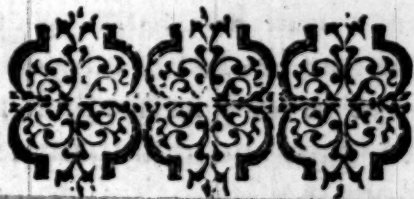
## THE QV. OF S. LETTER.

dency. And the third, some that bring carts hither, ordinarily comming early in the morning, the carts might be so prepared, and with suche cart-leaders, that beeing iust in the midst of the great gate, the carts might fall downe or ouerwhelme, and that therupon you might come sodainly with your followers to make your selfe Maister of the house, and carry mee away, so you might doe easily before that any number of soul-diars (who lodge in sundry places forth of this place, some half a mile, some a whole mile of) might come to their reliefe. Whatsoever issue the matter take, I do and will think my selfe obliged as long as I liue towa:des you for the offers you make to hazard your selfe as you doe for my deliery: And by any meanes that euer I may haue

I shall do my endeuour to recognize by effect your deserts heerin I haue commanded a more ample alphabet to be made for you, which herewith you shall receaue.

The 3 meane.

Her large promise of reward to the traitors.



# The contents of a letter written by the Scottish Queene to *Bernardin* *de Mendoza* 20. of May, 1586. *after the Popes Calender.*

<sup>a</sup>To take a new  
course for an  
other course  
before.

<sup>b</sup>an ouerture  
to be imparted  
to the spanish  
Ambassador  
for his maister  
by C. Paget.

<sup>c</sup>A promise to  
giue by her last  
will to the spa-  
nish king the  
succession of  
the crowne of  
England.

<sup>d</sup>Note the con-  
sideration.

I Finde my selfe greatly troubled what course to  
take<sup>a</sup> a newe for the affaires on this side the sea:  
*Charles Paget* hath a charge from me to imparte  
vnto you certaine<sup>b</sup> ouertures in my behalfe:  
whereupon I pray you deliuer him freely, what  
you thinke may be obteyned thereof from the  
king your maister.

There is an other point depending thereof,  
which I haue reserued to write to your owne  
selfe for to bee by you sent vnto the king your  
maister on my behalfe, no man else, if it be pos-  
sible, being priuie thereunto, that is, that consi-  
dering my sonnes great obstinacie in heresie, and  
foreseeing hereupon the imminent daunger and  
harme like to ensue to the catholike church, hee  
comming to the succession of this Realm: I haue  
resolved with my selfe, in case my sayde sonne  
doe not reduce himselfe before my death to the  
catholike religion (as I must tell you plainly, I  
haue small hope so long as hee shall remaine in  
Scotlande) to<sup>c</sup> giue and graunt my right to the  
sayde king your maister in the succession of this  
crowne by my last will and testament, praying  
him in<sup>d</sup> consideration hereof from this time for-  
warde to take me wholly into his protection,  
likewise the state and affaires of this countrey,  
the which for discharge of my conscience, I can  
not thinke I can put into the handes of a Prince  
more



## The contents of the Scottissh, &c.

more zealous of our religion and able in all respects to reestablish the same on this side, as it importes all the rest of Christendome. Let this be kept <sup>c</sup>secrete for as much as if it come to be reuealed, it should be in Fraunce the losse of my dower, in Scotlande a cleare breach with my sonne, and in this countrey my totall ruine and destruction.

Thanke on my behalfe the sayde kinge your maister for the fauour and liberalitie extended to the <sup>f</sup>L. Paget and his brother, which I praye him most earnestly to continue, and to gratifie for my sake with some pention <sup>e</sup>poore *Morgan*, who hath so much endured not onely for me, but for the common cause.

I recommende likewise vnto you, <sup>h</sup>*Fulsambe* (whome you knowe) to helpe him to some supplie, aboue the entertainment, that I haue allotted him, according to the small meanes I haue.

<sup>c</sup>secrete required for 3. causes

1. losse of dower,

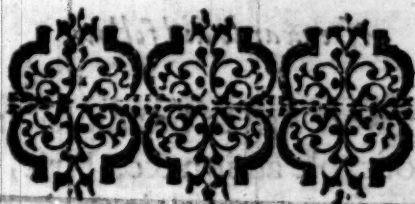
2. breach with her sonne.

3. her totall ruine.

<sup>f</sup>The kinges liberalitie to the *L. Paget* and his brother.

<sup>e</sup>What poore *Morgan* hath endured for her and the common cause

<sup>h</sup>*Fulsambe* to haue some supplie.



## Points out of Babingtons letter *subscribed by Curle. 13. Sep. 1586.*

*Upon the sight and perusall of the cōpye of the letter  
written by Babington to the Queenes Maiestie my  
mistresse, I doe remember well that the clauses  
heereafter written were conteinēd in the same let-  
ter dispatched at her Maiesties commaundement  
by me Gilbert Curle 23. of September. 1586.*

**T**Here was addressed vnto me from the partes  
beyond the seas one Ballard a man of vertue  
and learning, and of singuler zeale to the Ca-  
tholike cause and your Maiesties seruice. This  
man enformed me of great preparation by the  
Christian princes your Maiesties alies for the de-  
liuerance of our countrey from the extreame &  
miserable estate, wherein it hath so long remay-  
ned: my especiall desire was to aduise by what  
meanes with the hazard of my life & my freinds  
in generall, I might do your sacred Maiestie one  
good dayes seruice &c.

*Afterwards did follow.*

**T**Hese things are first to be aduised in this great  
and honourable action &c. First, assuring of  
inuasione: Sufficient strength in the inuador, ports  
to arriue at, appointed with a strong partye to  
ioyne with them, and warrant their landing. The  
deliuerance of her Maiestie. The dispatch of the  
vsurped competitor. For the effectuating of all  
which I vowe and protest &c. that what I haue  
said



*The iustifying of the saide letters, &c.*

said shalbe performed, or all our liues happilye  
lost in the execution thereof, which vowe all the  
chiefe actors haue taken solemnely, &c.

*After some other sentences this doth*

*follow.*

**M**Y selfe with ten Gentlemen & an hundreth  
our followers, wil vndertake the deliuerance  
of your Royall person from the handes of your  
enemies, for the dispatch of the vsurper, from the  
obedience of whome (by the excommunication  
of her) we are made free: there be six noble gen-  
tlemen all my priuate freindes, who for the zeale  
they beare to the Catholike cause, and your Ma-  
iesties seruice, will vndertake the tragicall execu-  
tion: It resteth that according to their infinite  
good deserts and your Maiesties bountye, their  
heroicall attempt may bee honorablye rewarded  
in them, if they escape with life, or in their poste-  
rity, and that so much I may be able by  
your Maiesties authority to  
assure them, &c.

*By me Gylbert Curle, 23. Sep-  
tember. 1586.*

**Nawes affirmation of the man-  
ner of the Scottissh Queenes writing**  
translated, out of her ciphhered letters,

6. September. 1586.

**T**ouching the letter written by the Queene of Scottes my Mistres to Babington, I wrote the same by her expresse direction and commandement, as I haue deposed it. Touching the other letters (as alwaies her Maiesty hath accustomed her selfe sitting at table, and Curle and I before her) her Maiestie commaunded me particularly, and from point to point all that whiche it pleased her to haue written, and vnder her I did draw the points thereof as particularly, and amply as may be. After I shewed and reade them vnto her according to the which (there resting no more but the disposition of the matter) I wrote the said letters: and shewed them vnto her, & deliuered the same, after which that was done therewith which it pleaseth her Maiestie to appoint, for her Maiestie will not suffer that any do write her letters of secrecie, or importance out of her own Cabonet. And there is not any dispatche sealed, but that she is present at it: And she doth alwaies peruse all the letters before they be put in Cipher and translated, which is done by Curle, namely of the letter written to Babington.

Pointes



# Pointes out of the Scottish

## Queenes letters subscribed by

Curle 23. Septemb. 1586.

Certaine principall pointes contained in the letter written from the Queene of Scottes in answer to a letter of Babingtons, which were expressed by the saide Queene in these kinde of sentences hereafter following, as upon the sight and perusal of the coppie of the letter which was first written by Nawe in French by the Queenes commandement I doe acknowledge to have bene so written.

**N**OWE for to grounde substantially this enterprise, and to bring it to good successe, you must first examine deeply what forces as wel on foote as on horse, you may rayse amongst you all, and what Captaines you shall appoint for the in euerie shire, in case a chiefe generall cannot be had. Of which townes, portes, and hauens you may assure your selfe, as well in the North, West, as South, to receaue succors from the Lowe countreyes, Spaine, and Fraunce. What places you esteeme fittest and of greatest aduantage, to assemble the principall companie of your forces and the same beeing assembled, which way you haue to march, what forrein forces you require, for howe long paie, &c. what prouision of money, in case you want would you aske, by what meanes doe the vj. gentlemen deliberate to proceede, and the manner also of my getting forth of this holde.

## *The iustifying of the sayde*

*In an other part of the same letter this also  
did folloewe.*

**I**F your messenger bring you backe againe sure promise and sufficient assurance of the succour you demaunde, then thereafter, (but no sooner, for that it were in vaine) take diligent order that all those on your party on this side make so secretly as they can, prouision of armour, fit horse, and readie money, wherewith to holde themselves in readines to march, so soone as it shall be signified vnto them by their chiefe & principales in euerie shire. And for better colouring of the matter reseruing to the principall the knowledge of the ground of the enterprise, it shalbe enough for the beginning to giue out to the rest, that the saide prouisions are made onely for fortifying your selues in case of needs against the puritans of this Realme.

*In an other part of this same letter this also  
followeth.*

**T**He affaires beeing thus prepared and forces in readinesse both without and within the Realme, than shall it bee time to set the six gentlemen to worke, taking order vpon the accomplishment of their desseignement, I may be suddainly transported out of this place, and that all your forces in the same time be in the felde to meete me tarying for the arriual of forrain aide, which then must bee hastened with all diligence. Nowe for that there can bee no certaine day appointed for the accomplishing of the saide Gen-

tlemens



*Letters by Curle and Nave.*

clemens desseinement, to the ende they may be in readinesse to take me from hence: I woulde that the said gentlemen had alwayes about them or at the least at the Courte a fower stoute men, furnished with good and speedy horses, for, so soone as the said desseigne shall bee executed, to come with al diligence to aduertise thereof, those that shal be appointed for my transporting, to the ende that immediatly thereafter they may be at the place of my aboade before that my keeper can haue aduise of the execution of the saide desseinement, or at the least before he can fortifie himselfe within the house or carry mee out of the same.

*It followeth also in the same letter.*

**T**his is the plot which I finde best for this enterprise, and order whereby you should conduct the same for our common security, &c.

*There followeth also in the same letter.*

**I** shall assaie, at the same time that the worke shall be in hand in these parts, to make the Catholiques of Scotland to arise, and to put my sonne into their hands, to the effecte that from thence our enemies heere may not preuaile of any succour. I would also that some stirring in Ireland were laboured for, and to beginne some while before that any thing were done heere, to to the end, the alarme might be giuen thereby on the flat contrary side that the blowe should come from.

*The iustifying of the saide letters, &c.*

*Towards the ende of the Letter this  
doth followe.*

**I**F I staie heere, there is for that purpose but one of these three meanes following. The first that on a certaine day appointed in my walking abroad on horseback on the mores betwixt this and Stafford, &c. a fiftie or threescore men well horsed & armed may come to take me there &c. The seconde meane is to come at midnight or soone after to set fire on the barnes and stables which you knowe are neere to the house, and whilest my guardiant seruants shall come forth to the fire, your companye might surprise the house &c. And the thirde, some that bring carts hither ordinarily, their carts might bee so prepared, and with such cart-leaders that beeing iuste in the midst of the great gate, the carts might fall downe or ouerwhelme, and thereupon you might come suddainly with your followers, and make your selues maisters of the house and carie me away.

*These are the pointes that were in the letter written in the Queenes Maiestie my Mistresse name to Babington, which as alreadie I haue saide and written, was first written in French by Maister Nave, and translated into English and ciphered by me Gilbert Curle by the Queenes commaundement. Septemb. 23. 1586.*

Nave in effect is contest vvith Curle,  
vvith the concurrency of Babington  
and Ballardes confession, and other  
of the conspiracie.



